

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

MISC APPL. NO. E5 OF 2020

MAPENZI MOHAMED.....APPLICANT

VERSUS

MVITA SERVICE STATION LTD.....RESPONDENT

DIRECTIONS

1. I have called and perused CMCC No. 2552 of 2015 for perusal pursuant to the provisions of Article 165(6) of the constitution.
2. My perusal of the file show that indeed there is a final judgment entered upon the default to file an appearance nor defence by the defendant dated 4/7/2017 and a warrant of arrest issued on the 9/9/2020.
3. I have also confirmed that there is an application by the judgment debtor dated 8/9/2020 and filed the same day to which responses have been filed just as there is an Affidavit file in response to the Notice To Show Cause.
4. Invoking my supervising powers, I consider it right that the hearing and determination of the application to set aside should precede the Notice To Show Cause owing to the fact that if the Notice To Show Cause is dealt with first the application to set aside may lose its basis.
5. I have also noted that the matter is scheduled for Mention on 19/10/2020. I direct that these directions be extracted and served upon the trial court.
6. Having directed as foregoing there is nothing pending on the application dated 6/10/2020 for which reason I order that this file be now closed.

Dated and Signed at Mombasa this 15th day of October, 2020.

P.J.O. OTIENO

JUDGE