



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CIVIL APPEAL NO. 7 OF 2019**

**(CORAM: R. E. ABURILI - J.)**

**JOHN OMOLLO ANYANGO.....1<sup>ST</sup> APPELLANT/APPLICANT**

**DANIEL ASILA ANYANGO.....2<sup>ND</sup> APPELLANT/APPELLANT**

**VERSUS**

**TOPAZ WANDAE ODERO.....1<sup>ST</sup> RESPONDENT**

**CONSOLATA ANYANGO KABWOGA.....2<sup>ND</sup> RESPONDENT**

**FREDRICK O. OMBOKO.....3<sup>RD</sup> RESPONDENT**

*(Being an Appeal against Judgment dated 20/12/2018 in Succession Cause No. 36 of 2016*

*at Siaya Principal Magistrate's Court before Hon. J. Ongondo, PM)*

**RULING**

1. The feuding parties are close family members with the Respondents claiming that they were assigned the land by the trial court and that is why they are tilling it. The Applicants on other hand claim the Respondents have flouted Court Orders on stay.
2. Having heard and seen both parties in court, and the fact of the Respondent not being represented by an advocate, and the Respondents indicating that they are ready to obey Court orders, I hereby order that both parties to this appeal are hereby prohibited from working on the disputed portion of land subject of the Succession Cause until this appeal is heard and determined.
3. The Application for contempt of court as filed is hereby stayed.
4. As the trial court record and record of appeal are now available before this court, I hereby admit this appeal to hearing and direct the parties to file written submissions to dispose of the appeal.
5. The Appellant to file and serve submissions on the Respondents within 10 days of today. The Respondents will have 10 days of date of service to file and serve their written submissions. They are however, at liberty to urge their opposition to the appeal by way of oral submissions as they are unrepresented.
6. Mention on 29<sup>th</sup> April 2019 to confirm compliance / highlighting and to fix a judgment date.

***Orders accordingly.***

***Dated, Signed and Delivered in Open Court at Siaya this 3<sup>rd</sup> Day of April 2019.***

**R.E. ABURILI**

**JUDGE**