



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**CIVIL APPEAL NO. 8 OF 2019**

**DUNCAN MWAKIRITI MBOLE.....APPELLANT**

**VERSUS**

**COLLINS ONYANGO.....RESPONDENT**

*(Appeal from the judgment and decree of Siaya Principal Magistrate's Court Civil Suit No. 13 of 2019 delivered on 14<sup>th</sup> March 2019 by Hon. J.O. Ong'ondo, Principal Magistrate)*

**RULING**

1. It is now 9:30 a.m. Parties called out, absent. The appeal was admitted to hearing on 11.7.2019 and the appellant was directed to file and serve the Respondent with a record of appeal within 30 days. Those directions have not been complied with despite service of notice on 17.7.2019 as per the Affidavit of Service dated 19.7.2019 of Rosemary Odera, effecting service of notice dated 16.7.2019.
2. The Court also observes that this appeal involves a burial dispute and that it was filed under certificate of urgency with the applicant seeking for conservatory orders but he never appeared to prosecute the application dated 21.3.2019 which was dismissed for non-attendance to prosecute on 3.4.2019.
3. Accordingly, I hereby dismiss this appeal for non-compliance with the orders and directions of 11.7.2019 with no orders as to costs.
4. Orders Accordingly.

**Dated, Signed and Delivered at Siaya this 4<sup>th</sup> Day of November, 2019.**

**R.E. ABURILI**

**JUDGE**