



**REPUBLIC OF KENYA**

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

**CIVIL APPEAL NO. 35 OF 2019**

**PETER OTIENO OMONDI.....APPELLANT**

**VERSUS**

**BENARD OWINO OMONDI.....RESPONDENT**

*(Being an Appeal arising from a Ruling in Civil Suit Succession Case 254/2017 in the Principal Magistrate's court at Siaya on 17<sup>th</sup> July 2019 before Hon. T.M. Olando, Senior Resident Magistrate)*

**RULING**

1. There is an affidavit of service dated 18/10/2019 by Rosemary Odera., Court Process Server.
2. The Appellant was served with a Notice to comply with directions of 9/10/2019. There is no compliance and or attendance.
3. This appeal is hereby dismissed for non-compliance with directions of the court dated 9/10/2019.
4. The trial court record to be returned forthwith.
5. Appeal file closed.

**Dated, signed and Delivered at Siaya this 18<sup>th</sup> Day of November, 2019**

**R.E. ABURILI**

**JUDGE**