

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

CIVIL APPEAL NO. 79 OF 2016

BETWEEN

N N O.....APPELLANT/ APPLICANT

AND

A O O.....RESPONDENT

(Being appeal from the Ruling and Order in Kisii CMC Child Case No. 46 of 2016) (Hon. Makila RM.)

RULING

Having considered this matter and noting that the appeal is an appeal from an interlocutory Ruling on custody, I think it is in the best interests of the child for the case to be heard to full.

Accordingly, I order that the matter be mentioned before the Senior Principal Magistrate Kisii, on 19th June 2018 for directions and fixing a hearing date and I also direct that the case be heard and finalized within three (3) months.

It is apparent from the record that the respondent has not had access to the child; she will have access to the child for the entire August 2018 holiday. The trial magistrate shall ensure that this order is complied with and either party shall be at liberty to apply.

[Delivered and signed this 13th day of June 2018].

D.S MAJANJA

JUDGE

In the presence of

Mr. Omwega for the Respondent

Mr. B. Gichana for the Appellant

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