

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

FAMILY APPEAL NO. 24 OF 2018

ZUBEDA MOHAMED SWALEH.....APPELLANT

VERSUS

HAMISI JUMA HAMISI.....RESPONDENT

R U L I N G

1. I have read the document annexed as the proceedings before the Honourable Kadhi on 4/6/2018. It is explicit that the orders were granted *experte* without evidence of service. For that reason, I don't deem the Appeal frivolous and therefore grant to the Appellant an Order of stay pending appeal in terms of Prayer 3.
2. Pursuant to the provisions of Article 165 (6) of the Constitution and the very grave allegation that a party was ordered to be evicted without the right to be heard, I direct that the Deputy Registrar calls up the Kadhis court file and places it before me within 7 days from today for purpose of it being perused and due directions given.
3. Costs in the cause.

Dated and delivered at Mombasa this 9th day of July 2018.

P.J.O. OTIENO

JUDGE