

REPUBLIC OF KENYA

IN THE KADHI'S COURT OF KENYA

AT MOMBASA

SUCCESSION CAUSE NO. 235 OF 2016

IN THE MATTER OF THE ESTATE: JUMA HAMISI KOMBO (DECEASED)

HAMISI JUMA KHAMIS.....PETITIONER

VS

ZUBEDA MOHAMED SWALEH.....RESPONDENT

R U L I N G

1. This matter has been placed before court following Orders made in HCCA No. 24 of 2018 pursuant to the provisions of Article 165 (6).
2. Having read the file and in particular the Orders issued on 4/6/2018.

I find that there is no evidence that the other parties in the dispute were notified and given a chance to be heard before the orders were issued.

3. To that extent and reason, the proceedings of 4/6/2018 are set aside and the trial court is directed to serve a notice upon on the parties to the dispute to enable it determine the need to have one ZUBEDA MOHAMED SWALEH evicted and for her to render accounts of any rent allegedly received on account of the premises in dispute.

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

P.J.O. OTIENO

JUDGE