



ZWN (Suing on Behalf of the Minor AJN) v FM (Civil Appeal E195 of 2025) [2025] KEHC 15187 (KLR) (28 October 2025) (Ruling)

Neutral citation: [2025] KEHC 15187 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL E195 OF 2025**

**A MABEYA, J
OCTOBER 28, 2025**

BETWEEN

ZWN (SUING ON BEHALF OF THE MINOR AJN) APPLICANT

AND

FM RESPONDENT

RULING

1. I have heard the respondent. I have seen her Affidavit showing Cause sworn on 27/10/2025. The sentiments in the affidavit are not showing Cause. They are only asking for setting aside of the orders.
2. I am unable to countenance that this Court can set aside its orders without a formal application. Let her make such application if she so wishes.
3. The respondent has admitted that in order to further defeat the orders of this Court, she has spirited the children away from Nairobi. The children are now neither in her custody nor the custody of any of their parents as required under the Law.
4. This is a sign of further contemptuous attitude by the respondent. This Court had given the respondent more than 4 chances to appear and defend the application for stay. She failed to do so through her Advocate. She has to obey the orders unless set aside or stayed. Since they have neither been stayed nor set aside, they must be obeyed.
5. Accordingly, I grant the respondent time, 5 days to comply with the orders. Failing, she appears in person in Court on Monday 3/11/2025 for mitigation and sentencing.

It is hereby so ordered.

DATED AND DELIVERED AT KISUMU THIS 28TH DAY OF OCTOBER, 2025.

A. MABEYA, FCI Arb



JUDGE

