



**Burton v Madhivani (Civil Appeal (Application) 181 of 2020)  
[2024] KECA 517 (KLR) (26 April 2024) (Ruling)**

Neutral citation: [2024] KECA 517 (KLR)

**REPUBLIC OF KENYA  
IN THE COURT OF APPEAL AT NAIROBI  
CIVIL APPEAL (APPLICATION) 181 OF 2020**

**JW LESSIT, JA  
APRIL 26, 2024**

**BETWEEN**

**MARIA BURTON ..... APPLICANT**

**AND**

**BABUBHAI BHANGANJI AMBA MADHIVANI ..... RESPONDENT**

*(Being an appeal from the Judgment of the Court of Appeal at Nairobi, (Murgor, Kantai & Lesit, JJ.A.) dated 28th April 2022 in Civil Appeal Case No. 181 of 2020.)*

**RULING**

1. Ms Kulohoma learned counsel for the applicant and learned counsel Ms Ogwanda holding brief for the respondent appeared before me this morning pursuant to Rule 49(5) of this [Court's Rules](#) for inter-partes hearing of the certificate of urgency application dated 27<sup>th</sup> October 2023. This Court declined to certify the application as urgent in its ruling of 23<sup>rd</sup> April 2024.

Having heard the applicant and the response by the respondent who does not oppose the application the order to make is as follows:

1. The application dated 27<sup>th</sup> October 2023 is certified as urgent for hearing on priority basis.
2. The substantive application be given a hearing on priority basis.
3. No order as to costs.

**DATED AND DELIVERED AT NAIROBI THIS 26<sup>TH</sup> DAY OF APRIL, 2024**

**J. LESIIT**

.....

**JUDGE OF APPEAL**



I certify that this is a true copy of the original

SIGNED

DEPUTY REGISTRAR

