



**Okova v Omoka & 2 others (Civil Application E133 of 2022)
[2023] KECA 791 (KLR) (23 June 2023) (Directions)**

Neutral citation: [2023] KECA 791 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CIVIL APPLICATION E133 OF 2022**

**F TUIYOTT, JA
JUNE 23, 2023**

BETWEEN

GODFREY KAGIA OKOVA APPLICANT

AND

HELLEN NAUTUTU OMOKA 1ST RESPONDENT

FLORENCE LIAVALI OKOVA 2ND RESPONDENT

PETER OKOVA STEVENS 3RD RESPONDENT

(Being an Application for extension of time to file and serve notice of appeal out of time from the Ruling of the High Court of Kenya at Kakamega (W. Musyoka, J) Dated 13th May, 2022 in H.C. Succession Cause No. 163 of 2015)

DIRECTIONS

1. To be disposed of by way of written submission is the application dated November 14, 2022.
2. To enable the Court proceed on March 9, 2023, the Deputy Registrar of this Court directed counsel for applicant to serve the respondent with a hearing notice and Directions of the Court that the respondents file submissions in response within 5 days of the Notice and Directions, being February 22, 2023.
3. At the time this matter was placed before me for preparation of ruling, the respondents had neither filed any replying affidavit or submissions and I can see why.
4. The affidavit of service of Washington Athung'a, counsel for the applicant, sworn on March 2, 2023 is evidence that the only document served on counsel for the respondent is the applicant's submissions. The Notice containing the hearing date and Directions of the Court appear not to have been served.



5. In the circumstances it would not be fair to proceed without giving the respondents a fair chance to respond to the application. For this reason, I direct that the Deputy Registrar issues fresh Directions to be served upon counsel for the respondents to, within five (5) days of the Directions, file a replying affidavit, if any, and submissions in response. At the end of that period the file be placed before me for preparation of the Ruling.
6. Those are the orders of Court.

DATED AND DELIVERED AT KISUMU THIS 23RD DAY OF JUNE, 2023.

F. TUIYOTT

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

SIGNED

DEPUTY REGISTRAR.

