



REPUBLIC OF KENYA

IN THE KADHIS COURT AT KISUMU

SUCCESSION CAUSE NO 22 OF 2011

WAHIB SAAD ALI.....APPLICANT

VS

SALMA KASSIM.....RESPONDANT

RULING

This is a ruling for application dated 13th June filed

applicant seeking this court to issue an order of entry and access into plot no 4 at manyata Arab kisumu, the OCS kisumu central police station to provide security and lastly that cost of the application to be provided for.

The applicant based on the ground that:

1-. applicant is a beneficiary of plot no 4 at manyata arab kisumu; two, that judgement had been entered and the estate distributed. The applicant had been denied access and entry by respondent into part of the house in plot no 4.

further grounds were adduced in his further affidavit filed on 24th June 2014 annexed with a calling letter from the high court of appeal no 32 of 2013.

The respondent claimed that he had appealed against the judgment

and he had paid cost of the appeal. During the hearing of application on 18th June 2014 the respondent did not produce any proof for the cost and it was ordered that he files the proof before the delivery of this ruling

The receipts filed on 30th June 2014 by the respondent do not show any proof of money deposited in court pending hearing of the appeal. besides that the respondent has not filed stay of execution of the decree issued by this court

Therefore it is the finding of this court that the cost have not been paid as alleged by the respondent and this court therefore grants the orders as prayed for by the applicant.

R/ A -30 days

Read and delivered this 3rd day of JULY 2014 in the presence of.

Mursal.M.Sizi-----kadhi

court Assistant----Rehema Akidah

presence of;

-MURSAL .M .SIZI- KADHI 11

-Court Assistant -Rehema Akidah,

Petitioner-

-Respondent