



Case Number:	Succession Cause 235 of 2016
Date Delivered:	09 Jul 2018
Case Class:	Civil
Court:	Kadhis Court at Mombasa
Case Action:	Ruling
Judge:	Patrick J. Okwaro Otieno
Citation:	In re Estate Juma Hamisi Kombo (Deceased) [2018] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Civil
History Magistrates:	-
County:	Mombasa
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**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**

**RULING**

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**



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