



**Opiyo v Hagar (Miscellaneous Case E004 of 2024)
[2024] KEHC 15485 (KLR) (28 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15485 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MIGORI
MISCELLANEOUS CASE E004 OF 2024
A ONG'INJO, J
NOVEMBER 28, 2024**

BETWEEN

RONNY OUMA OPIYO PETITIONER

AND

IVON AKOTH HAGAR RESPONDENT

RULING

1. Vide Notice of Motion application dated 1.7.2024 brought under certificate of urgency the Applicant herein Ronny Ouma Opiyo sought an order of temporary injunction to restrain the Respondent by herself, her agents and / or those claiming through her, servant or otherwise howsoever from interfering with the intended wedding of the Petitioners herein pending the hearing of the Application and Petition herein.
2. The application was brought pursuant to Section 51 Cap 152 of the *Matrimonial Property Act* and all enabling provisions of the law. The application was supported by the grounds on its face and supporting affidavit sworn by the Applicant on 1st July 2024 to the effect that the Applicant had been in a relationship with the Respondent that resulted into one issue namely B. T. aged 2 years.
3. The Applicant averred that the Respondent turned violent to him and made their relationship to break down irretrievably and as a result the Applicant entered into another relationship and intended to conduct a wedding in the near future.
4. That the Respondent had threatened to storm the said wedding and interfere with his plans and that is why he had brought the application herein as he is apprehensive if the Respondent is not stopped.
5. The Notice of Motion was filed concurrently with Petition dated 1. 7. 2024. The Respondent was served but she did not enter appearance.



6. The Application and Petition were heard by way of written submissions. The Applicant filed submissions dated 29th October, 2024
7. Section 51 under which the Applicant brought the application and petition herein does not exist. The *Matrimonial Property Act* Revised Edition 2022 contains upto Section 19 and it is not clear where the Applicant got Section 51 of the Cap 152 Laws of Kenya.
8. Secondly, the Applicant and the Respondent were never married and his fear / apprehension that the Respondent intended to storm the venue of his wedding is unfounded.
9. The Applicant did not also show that indeed he had planned for any wedding that could have been subject to alleged threats by the Respondent.
10. This court cannot give injunctive orders that have no time limit for undefined threats.
11. In the circumstances the Application herein and Petition dated 1.7.2024 are unfounded and do not meet the threshold of prima facie case to warrant the grant of a temporary injunction. The Application and petition are dismissed with no orders to costs.

DELIVERED DATED AND SIGNED AT MIGORI THIS 28TH DAY OF NOVEMBER, 2024.

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A. ONG'INJO

JUDGE

In the presence of:

Victor / Lola Court Assistant

Ms. Ogwe & Associates Advocates – No appearance

Applicant No appearance

Respondent – No appearance

Order: Ruling delivered Notice to issue.

