



**Omenda v Peter (Civil Case 4 of 2022) [2022] KEHC 16958 (KLR) (29 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16958 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT SIAYA**  
**CIVIL CASE 4 OF 2022**  
**RE ABURILI, J**  
**DECEMBER 29, 2022**  
**(ORIGINATING FROM KISUMU HIGH COURT**  
**ORIGINATING SUMMONS NO. E002 OF 2022)**  
**IN THE MATTER OF SECTION 2 AND 17 OF MATRIMONIAL**  
**PROPERTY, 2013**  
**AND**  
**IN THE MATTER OF THE CONSTITUTION, CHAPTER 4, ARTICLE 45(3)**  
**AND**  
**IN THE MATTER OF ORDER 40 RULE 1, 2 & 3 OF CIVIL PROCEDURE**  
**RULES, 2010**  
**BETWEEN**  
**JOSEPHINE ATIENO OMENDA ..... PLAINTIFF**  
**AND**  
**PETER OTIENO PETER ..... DEFENDANT**

**RULING**

1. I have considered the Chamber summons dated application dated December 29, 2022 under Certificate of urgency. I find that the application deserves to be considered during the recess.
2. I grant leave to the application to be heard during the recess.
3. On the main Notice of Motion for injunctive orders, I observe that the applicant has not disclosed the exact recent date when she was allegedly denied access to her matrimonial home as the affidavit in support claims that the Respondent moved out of the home in 2020 during covid-19 pandemic and that he sacked the employees and changed security guards' firms.



4. I find no urgency involved. I decline to certify the matter as urgent. I direct the applicant to serve the Respondent for interpartes directions before the recess duty Judge on January 5, 2023.
5. I so direct

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 29<sup>TH</sup> DAY OF DECEMBER, 2022**

**R.E. ABURILI**

**JUDGE**

