



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL SUIT NO. 12 OF 2012 (OS)

C A O.....PLAINTIFF

VERSUS

W B O.....DEFENDANT

RULING

1. On 11th December 2014 I delivered a judgment where I declared that the assets placed before court and alleged to be matrimonial property were indeed matrimonial property, and I ordered that the same be shared equally between the plaintiff and the defendant. The said property being –

- (a) Plot No. [Particulars Withheld] Service Scheme;
- (b) Plot No. [Particulars Withheld] Service Scheme;
- (c) Nairobi Block [Particulars Withheld] Komarock;
- (d) Plot No. [Particulars Withheld] Sector 2;
- (e) Motor vehicle [Particulars Withheld];
- (f) Motor vehicle [Particulars Withheld];
- (g) Motor vehicle [Particulars Withheld];
- (h) Motor vehicle [Particulars Withheld]; and
- (i) Motor vehicle [Particulars Withheld].

2. Further orders were made to the effect that the parties had been given six (6) months, from the date of the judgment, to agree on the modalities of the division thereof, failing which the properties were to be sold and the proceeds therefrom shared equally between the plaintiff and the defendant. The Deputy Registrar was empowered to sign the relevant documents to facilitate the sales and the subsequent transfers.

3. The plaintiff has come back to court indicating that the parties have to date not agreed on the mode of dividing the assets as ordered by the court, necessitating the sale thereof and the sharing of the proceeds

therefrom.

4. On 12th May 2017, I directed that the said assets be valued for the purposes of sale. The plaintiff complied with the directions by having the landed assets valued, and relevant reports have been filed in court, prepared by Petrum Valuers.

5. The values attached to the said assets are as follows -.

(a) Plot No. [Particulars Withheld] Service Scheme: - Kshs. 22, 000, 000.00;

(b) Plot No. [Particulars Withheld] Service Scheme: - Kshs. 27, 000, 000.00;

(c) Nairobi Block [Particulars Withheld] Komarock: - Kshs. 8, 500, 000.00; and

(d) Plot No. A. [Particulars Withheld] Sector 2: - Kshs. 46, 000, 000.00.

6. I hereby authorize the plaintiff to put the property listed in paragraph 5 hereabove in the open market and to sell it by private treaty at prices that shall not be below the values attached to those assets as set out in the schedule in paragraph 5 above. The Deputy Registrar shall sign the relevant forms as per the terms of the judgment. Thereafter the proceeds of sale shall be deposited in court to await distribution between the plaintiff and the defendant.

7. The matter shall be mentioned after two (2) months for compliance. The date for mention shall be given in open court at the giving of these directions.

DATED, SIGNED and DELIVERED at NAIROBI this 29TH DAY OF SEPTEMBER, 2017.

W. MUSYOKA

JUDGE