



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CIVIL SUIT NO. 71 OF 2015 (OS)

In the Matter of an Application under the Matrimonial Property Act, 2013

-BETWEEN-

FLORENCE KAGWIRIA BUNDI.....APPLICANT

AND

JULIUS BUNDI RINGERA.....RESPONDENT

PARTIAL RULING

[1] I have been invited to determine the following Respondent's objections contained in the Notice of Preliminary Objection filed on 10th November 2015 to wit;

- 1. The court has no jurisdiction to determine the rights or interest of the parties herein respecting the alleged matrimonial property, during the subsistence of the marriage.**
- 2. The action is frivolous, scandalous, vexatious and an epitome of abuse of the due process of this honourable court.**

[2] Before I could determine the Preliminary Objection, I note the following important matter. By consent of parties, on 18th of May 2017, suit number MERU CMCC NO 213 OF 2015 between the Respondent and the Applicant herein was transferred and consolidated with this cause. It was also part of the consent that both cases shall be heard together. The court is yet to receive the original file thereto. In the circumstances, therefore, the court is not in a position to determine the objection raised in the absence of the original file, namely, MERU CMCC NO 213 OF 2015. Accordingly, therefore, I direct the Deputy Registrar to forward file number CMCC NO 213 OF 2015 to this court with all convenient speed. Upon receipt of the file, I shall deliver ruling on the Preliminary Objection questioning the jurisdiction of this court. It is so ordered.

Dated, signed and delivered in open court at Meru this 19th day of December, 2017

F. GIKONYO

JUDGE

In the presence of:

Mr. Gitonga advocate for Respondent

Mr. Ngeas for Mr. Wamwayi advocate for applicant

F. GIKONYO

JUDGE