



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**CIVIL CASE NO. 47 OF 2012**

**D K W.....APPLICANT**

**VERSUS**

**H R W S.....RESPONDENT**

**RULING**

1. The Motion dated 22<sup>nd</sup> February 2013 seeks stay of the proceedings herein pending the hearing and determination of **Kakamega HCCC No. 32 of 2012** between H R S W –vs- D K W & 2 others. The instant suit is for division of matrimonial property, while the Kakamega cause seeks cancellation of transfer of matrimonial property which the respondent was apparently disposing of to defeat this suit.
2. There are affidavits sworn by D A and H R S W on record. All these parties concede that both suits touch on matrimonial property. The Kakamega property actually seeks to preserve property that is at the verge of being transferred to defeat this suit.
3. I find merit in the application dated 22<sup>nd</sup> February 2013. There shall be orders in terms of prayer 2 of the Motion. The applicant shall have costs of the application.

**DATED, SIGNED and DELIVERED at NAIROBI this 31<sup>st</sup> DAY OF January, 2014.**

**W. MUSYOKA**

**JUDGE**