



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 211 OF 2013

BETWEEN

R A W.....PETITIONER

AND

R T.....RESPONDENT

RULING

1. The Motion dated 17th January 2014 seeks that the petitioner be directed to vacate the three bedroomed apartment and servants quarters belonging to the *[particulars withheld]* Company Limited in Upper Hill to an equivalent alternative accommodation to be paid by the respondent pending the hearing and determination of the petition herein. There is also a prayer that she be restrained from entering, accessing, dealing or interfering with the said applicant and from threatening abusing and intimidating employees at the said premises. The applicant prays that the OCS Upper Hill Police Station do effect the order and ensure peace prevails.
2. The applicant, who is the respondent in the petition, avers that the parties are separated, and that he had obtained accommodation for the respondent at the premises in question. He complains that she has become a nuisance at the premises, and details her alleged misconduct. He evinces his willingness to get her alternative accommodation.
3. The petitioner responded to the application vide her replying affidavit sworn on 20th March 2014. She denies the allegations made by the applicant in his affidavit. She states that there are orders in place made on 31st October 2013 restraining her eviction from the said premises.
4. The application was prosecuted orally on 27th March 2014 by Mr. Laichena for the applicant and Ms. Adeitan for the respondent.
5. I note that there was a consent order recorded on 31st October 2013 to the effect that the applicant shall remain on the said premises pending the hearing and determination of the suit. Sufficient basis has not been laid in my view to warrant interference with the said consent order.
6. It would appear that the petitioner might have been causing trouble at the premises. Although she enjoys protection orders against eviction, she should respect the applicant, the other tenants on the premises and employees taking care of the premises. She should desist from any acts which disturb the peace.
7. It is imperative that the parties hereto avoid making multiple applications. They should fix the petition

for directions and thereafter proceed to have it disposed of once and for all.

8. I make the following orders:

(a) That the petitioner shall remain in occupation of the subject premises in LR No. ***[Particulars withheld]*** Upper Hill as ordered on 31st October 2013;

(b) That the petitioner is hereby restrained while in occupation of LR NO. ***[Particulars withheld]*** as aforesaid from threatening, abusing or intimidating tenants and employees at the said premises or causing trouble of any nature whatsoever at the said premises during the pendency of the petition;

(c) That in the event of any one incident which violates the order in (b) above, the applicant shall be at liberty to move the respondent to alternative accommodation elsewhere;

(d) That the Officer Commanding the Upper Hill Police Station shall give effect to the order in (b) above to ensure that peace prevail;

(e) That there shall be no order as costs.

DATED, SIGNED and DELIVERED at NAIROBI this 28th DAY OF November, 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Laichena advocate for the respondent.