

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL SUIT NO. 17 & 3 OF 2001

N W.....PETITIONER

HOUSING FINANCE LTD.....1ST RESPONDENTS

KENYA BUILDING SOCIETY LTD.....2ND RESPONDENTS

TAIFA AUCTIONEERS.....3RD RESPONDENTS

CHRISTOPHER AVISA.....4TH RESPONDENTS

KCB LTD, CLEOPHAS OGUTU & OTHERS....5TH RESPONDENTS

-VERSUS-

M M.....DEFENDANT/APPLICANT

JUDGEMENT

1. This matter came up for hearing on 11th July 2014 when Mr. Mungai, the applicant, testified in support of his counterclaim.
2. He stated that the issues outstanding in the counterclaim were not between him and his estranged wife but rather between him and the persons he has named in the suit as co-respondents. These are persons who are essentially third parties to a division of matrimonial property suit, which is basically a suit between husband and wife.
3. I have carefully perused through at the papers filed herein, and considered the testimony given by Mr. Mungai on 11th July 2014. I do not find material upon which I can grant the orders sought against the respondents named in the counterclaim. Consequently, I do hereby dismiss the counterclaim. There shall be no order as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 19th DAY OF December 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Mungai the defendant in person.