

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

HIGH COURT CIVIL CASE (OS) 17 OF 2013

J N D N.....APPLICANT

VERSUS

M M M.....RESPONDENT

RULING

The Motion dated 11th April 2012 seeks restraining orders in respect of LR No. (particulars withheld) (being Plot No. (particulars withheld) and Land Parcel (particulars withheld). The application is interlocutory. It is filed within a suit brought under **Section 17** of the Married Women's Property Act, 1882, where the applicant is seeking division of matrimonial property, being the assets referred to above.

There is an affidavit of service sworn on 21st April 2012 and filed in court on 25th April 2013. It evidences that the Motion dated 11th April 2013, as well as the Originating Summons of even date, was served on 16th April 2013 on the respondent. There has been no reply to the application. The Motion is therefore unopposed.

There is evidence that these properties exist. If they are disposed of by the respondent, the Originating Summons herein will be rendered nugatory. There is therefore merit in granting restraining orders to obviate such an eventuality. The Motion dated 11th April 2013 is hereby allowed. As the same is unopposed, there shall be no order as to costs.

SIGNED DATED and DELIVERED in open court this 15th day of August, 2013.

W.M. MUSYOKA

JUDGE