



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
HC CIVIL SUIT 97 OF 2006**

CATHERINE. M. NJIRU.....PLAINTIFF

VERSUS

NELSON R. MUGO.....1ST DEFENDANT

JANE GATHONI MWANGI.....2ND DEFENDANT

AMOS KARANJA.....3RD DEFENDANT

RULING

The plaint herein was filed on 13/10/2006 seeking declaration against status of marriage.

By application dated 2/10/2007 the applicant seeks to strike out the suit on the grounds that the marriage in dispute is a statutory marriage and therefore the issue of prior customary law marriage is extinguished and become null and void. The application is opposed as per replying affidavit.

It is my view that this suit is important as it seeks to declare personal marital status of the parties.

I therefore do not allow application the same is dismissed. Parties should fix the suit for full trial with parties proving their case by evidence. There is no evidence at the moment of the customary marriage alleged. It is not suitable case to be terminated on affidavits.

Dated this 11th April, 2008.

J. N. KHAMINWA

JUDGE

11/4/2008

Khaminwa – Judge

Solomon – Clerk

Plaintiff- present

Read in open court in her presence.

J. N. KHAMINWA

JUDGE