



**FWW v JKN (Matrimonial Cause E018 of 2024)
[2025] KEHC 2013 (KLR) (10 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2013 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MATRIMONIAL CAUSE E018 OF 2024
PN GICHOHI, J
FEBRUARY 10, 2025**

BETWEEN

FWW APPLICANT

AND

JKN RESPONDENT

RULING

1. The court has considered the stage at which the matter has reached. The parties lived together and had children who are now adults. The matter was coming today for purposes of compliance in regard to service of submissions, by the Respondent.
2. The Applicant had intimated that she was not filing any submissions.
3. This morning, it transpired that she was not served with the submissions. She has intimated today that she does not wish to proceed with the matter and that decision is of her own volition.
4. She wants to live in peace and has stated that she has no interest in the said property whatsoever. That she will not go back to the Respondent.
5. The Respondent has personally objected to the withdrawal on the grounds that he wants her to prove her case as she is the one who filed it.
6. His counsel has intimated that the Respondent has no objection but only seems not to understand the implication of the withdrawal which she undertakes to inform him about.
7. No party in such a case can be forced by the person sued to proceed. If one does not wish to proceed and where she puts no ties or conditions to withdrawal of the matter.
8. Counsel now seeks costs to be paid to Respondent for having responded to the application. However, the issue of costs is within the discretion of this court.



9. Considering the relationship between the Applicant and the Respondent, it is important that each lives in peace and that peace would be promoted by not awarding costs to either party.
10. In the circumstances, the Applicant's oral application to have the entire matter marked as withdrawn is allowed.
11. Consequently, the Court makes the following orders:-
 1. The originating summons together with the Notice of Motion all dated 29/7/2024 be and are hereby marked as withdrawn.
 2. Each party to bear his own costs.
 3. File marked as closed.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 10TH DAY OF FEBRUARY, 2025.

PATRICIA GICHOHI

JUDGE

In the presence of:

Applicant in person

Ms Kimule for Respondent

Ruto, Court Assistant

