



**LWK v JMN (Children's Appeal Case E103 of 2023)
[2025] KEHC 3398 (KLR) (Family) (20 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3398 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
CHILDREN'S APPEAL CASE E103 OF 2023
HK CHEMITEI, J
MARCH 20, 2025**

BETWEEN

LWK APPLICANT

AND

JMN RESPONDENT

RULING

1. On 24th October 2024 the court reserved the judgement in this matter for 13th February 2025. There was no representation from the Applicant.
2. On 19th December 2024 she filed a notice of motion seeking orders that the judgement mentioned above be stayed or arrested pending the hearing of her application and that she be granted leave to file her response to the appeal.
3. The application is based on the grounds thereof and her sworn affidavit dated the same date. She deponed that she was not aware of the appeal until she learned of it in a matter at Thika court between the two of them, namely OS NO. 20 OF 2024, dealing with their matrimonial property.
4. The Respondent vide his affidavits sworn on 20th December 2024 and 21st January 2025 deponed that it is not true that the Applicant was not aware of the appeal. He said that he served her through her email and the same did not bounced.
5. She further attached several sets of email correspondences between themselves which include one in which the Applicant vowed not to proceed with the matter in court. That she was willing to have the same mediated upon.
6. I have perused the application and I am convinced that the Applicant was served with the appeal. The paper trail especially the emails speak as much.



7. However, this is a Children's matter. I shall not chase the Applicant from the seat of justice. She needs to have her day in court especially the fate of their two children following the trials courts findings.
8. In the premises the application is allowed as follows:-
 - (a) The Respondent shall within 14 days from the date herein serve the Applicant with the record of appeal and his submissions already on record.
 - (b) The Applicant shall within 7 days after service file her written submissions and served the Respondent.
 - (c) The Respondent shall be at liberty to file further submissions within 7 days after service.
 - (d) The matter shall be mentioned before the Deputy Registrar to confirm compliance and grant a mention date before this court for taking a fresh judgement date.
 - (e) Costs in the cause.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 20TH MARCH, 2025.

H K CHEMITEI

JUDGE

