



**Mwangi v Mwangi & 4 others (Constitutional Petition E011 of 2024) [2025] KEHC 13107 (KLR) (7 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 13107 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CONSTITUTIONAL PETITION E011 OF 2024  
DO CHEPKWONY, J  
MARCH 7, 2025**

**BETWEEN**

**JOHN KIHARA MWANGI ..... PETITIONER**

**AND**

**JOSEPHINE WAIRIMU MWANGI ..... 1<sup>ST</sup> RESPONDENT**

**OWEN THUO MWANGI ..... 2<sup>ND</sup> RESPONDENT**

**BARBRA EUNICE NGINA MWANGI ..... 3<sup>RD</sup> RESPONDENT**

**GEORGE CHEGE MWANGI ..... 4<sup>TH</sup> RESPONDENT**

**BLOSSOM BLISS LIMITED ..... 5<sup>TH</sup> RESPONDENT**

**RULING**

1. The Applicant herein moved the court through Notice of Motion application dated 2<sup>nd</sup> April, 2024 seeking various orders in respect to Blossom Bliss Limited, the 5<sup>th</sup> Respondent herein. On 11<sup>th</sup> April, 2024, the court considered the application and issued directions that the same be served upon the Respondent for interparties hearing on 2<sup>nd</sup> May, 2024.
2. When the matter came up for interparties hearing of the application on 2<sup>nd</sup> May, 2024, the 1<sup>st</sup> Respondent while acting in person asked the court to refer the matter for mediation given that this is a family dispute but the Applicant objected to this proposal and urged the court to determine the matter.
3. On the same day, the court issued directions that it would be in the interest of justice that the parties be heard on merit where each party would be given an opportunity to ventilate their respective issues for the court’s consideration and determination. The court then directed the parties to file their responses and submissions in respect to the application.



4. On 19<sup>th</sup> September, 2024, the Petitioner's Counsel, Mr Munene informed the court that parties intended to enter into negotiations which the Respondent's Counsel confirmed and the court granted the parties time to engage in negotiations.
5. On 24<sup>th</sup> February, 2025, the Applicant's Counsel informed court that the negotiations had failed and he had subsequently filed submissions dated 9<sup>th</sup> September, 2024 for the court's consideration. He further stated that he was opposed to court annexed mediation. On the other hand, the Respondent's Counsel maintained that since the parties are family members there is a likelihood of reaching a settlement. He holds that the negotiations collapsed on account of the Applicant and has urged the court to direct that the matter proceeds by way of mediation.
6. Having heard the oral submissions advanced by the parties, and having issued directions on 2<sup>nd</sup> May, 2024 to the effect that the court ought to hear and determine the matter, the parties requested for a chance to attempt negotiations which have since failed and the Respondent's Counsel is now seeking for mediation.
7. While under Article 159(2)(c) of *the Constitution* the courts are required to encourage mediations as part of the alternative dispute resolution mechanisms in this case, it is clear that even though the parties herein are family members the negotiations have failed.
8. For this reason, the Court finds that it would be prudent to proceed with the hearing and determination of the application and therefore it proceeds to issue directions upon confirming from the parties and court on status of the matter with regard to filing of pleadings

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 7<sup>TH</sup> DAY OF MARCH 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

Mr. Munene Njuguna counsel for the Petitioner

No appearance for and by Respondent

Court Assistant - Martin

