



**SBK v MK (Family Appeal E052 of 2023)  
[2025] KEHC 3355 (KLR) (Family) (20 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3355 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**FAMILY APPEAL E052 OF 2023**

**HK CHEMITEI, J**

**MARCH 20, 2025**

**BETWEEN**

**SBK ..... APPLICANT**

**AND**

**MK ..... RESPONDENT**

**RULING**

1. The Applicant’s amended notice of motion dated 31<sup>st</sup> July 2024 seeks several prayers which to say the least are confusing and incomprehensible. The orders sought includes a recusal of Honorable Lady Justice Nyaundi SC in this matter, various interpretations of various laws including Article 159 of the Constitution and various portions of the Children’s Act.
2. I have read the entire supporting affidavit as well as the annexures thereto which includes the judgement of Hon Lady Justice Nyaundi dismissing the appeal and I believe upholding the trials courts findings.
3. The same contains the notice of appeal to the Court of Appeal by the Applicant and the leave which the court granted him. It also in the mix consist of some mediation proceedings which the parties have undertaken.
4. The application has not been opposed by the Respondent.
5. I have anxiously looked at the entire application and in my view all the issues raised as rightly stated somewhere by the Applicant indicates that this court is funtus officio. The right forum to agitate is the appellate court.
6. All that the Applicant needs to do is to simply prosecute his appeal at the said court and seek any other appropriate orders.



7. The application is otherwise dismissed.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 20<sup>TH</sup> DAY OF MARCH, 2025.**

**H K CHEMITEI**

**JUDGE**

