



**JWM v SGK (Matrimonial Cause E005 of 2025)
[2025] KEHC 10297 (KLR) (18 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10297 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
MATRIMONIAL CAUSE E005 OF 2025**

RN NYAKUNDI, J

JULY 18, 2025

BETWEEN

JWM APPLICANT

AND

SGK RESPONDENT

RULING

1. The Application before Court is a Certificate of Urgency dated 8th July 2025 accompanied with a Notice of Motion expressed to be brought under Order 40 Rule 1& 2, Order 51 Rule 1 of the Civil Procedure Rules, 2010 and Section 3A of the Civil Procedure Act, sections 2, 6, 7, 9, 12, 14 and 17 of the Matrimonial Property Act 2013, section 93 of the Land Registration Act No. 3 of 2012 seeking the following orders:
 - a. That the Application be certified as urgent and heard ex-parte in the first instance.
 - b. That a temporary injunction be issued compelling the Respondent, his agents, servants, or anyone acting under his instructions, to forthwith grant the Applicant unfettered access to the matrimonial properties known as Eldoret Municipality/Block 2/1X7/1 and Eldoret Municipality/Block 5/2X3/1, pending hearing and determination of this application inter parties.
 - c. That the Respondent be compelled to immediately provide the Applicant with all necessary keys, access cards, codes or any other means required to access the suit properties within such time as the court may direct.
 - d. That in the event the Respondent fails to comply with the orders in prayer 3 above, the Officer Commanding Station (OCS) Eldoret Police Station be directed to provide security and assistance to the Applicant to gain entry into the suit properties, if necessary by breaking down any barriers, and to ensure the Applicant’s peaceful occupation thereof.



- e. That a temporary injunction be issued restraining the Respondent, his agents, servants, or anyone acting under his instructions from obstructing, interfering with, or in any way denying the Applicant access to or peaceful occupation of the suit properties pending the hearing and determination of the Originating Summons.
- f. That the costs of this Application be borne by the Respondent.

Orders/directions.

2. This matter coming up on 18.7.2025 for directions on the Notice of Motion dated 8th July 2025 before Honourable Justice, R. Nyakundi upon reading the motion and the affidavit ex-parte in the first instance
3. It Is Hereby Ordered
 - a. That the Application is certified as urgent
 - b. That the application be served upon the Respondent within 14 days.
 - c. That this matter is fixed for inter-partes hearing on 23rd July 2025 before High Court No.2.
 - d. The issue of interim orders be canvassed at the inter-partes forum.

GIVEN UNDER MY HAND AND SEAL OF THE HONOURABLE COURT THIS 18TH DAY OF JULY 2025.

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R. NYAKUNDI

JUDGE

