



REPUBLIC OF KENYA



**KENYA LAW**  
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**Mwaura v Karanja (Miscellaneous Application E011 of 2025)  
[2025] KEHC 9580 (KLR) (Family) (4 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9580 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
MISCELLANEOUS APPLICATION E011 OF 2025  
H NAMISI, J  
JULY 4, 2025**

**BETWEEN**

**JUDY WANGARI MWAURA ..... APPLICANT**

**AND**

**STEPHEN GITAU KARANJA ..... RESPONDENT**

**RULING**

1. The Applicant has filed Notice of Motion dated 15 January 2025, brought under section 67 of the *Marriage Act*, seeking the following orders:
  - i. That the Honourable Court recognizes and adopts the dissolution of marriage decree given to the Applicant and Respondent in the United States of America in the Superior Court of California, County of Riverside before Hon. Matthew Forsse, Commissioner on 10 December 2024;
  - ii. Any further orders that this Honourable Court may deem fit and just to grant.
2. The Application is supported by an Affidavit sworn by the Applicant and premised on the following grounds, *inter alia*:
  - a. The Applicant and Respondents celebrated their marriage on 22 August 1998;
  - b. Around 2005, they moved and started cohabiting in California, USA;
  - c. The couple was blessed with three (3) issues born in 1996, 2005 and 2011. However, in divorce proceedings under the USA laws, only children under the age of 18 are listed in the pleadings as dependants;
  - d. Unfortunately, their marriage hit a rock and the couple separated on 12 January 2023;



- e. Upon filing of divorce proceedings in the USA, the marriage was dissolved on 10 December 2024 in the USA, Superior Court of California, County of Riverside before Hon. Matthew Forse, Commissioner;
  - f. Having moved to California, USA in 2005 and the divorce proceedings having been instituted in 2023, the Applicant and her spouse had been domiciled in USA for a period exceeding one year thus rendering jurisdiction over the divorce proceedings before the Superior Court of California, County of Riverside;
  - g. Further, having made and pronounced the divorce orders, the Superior Court of California, County of Riverside had jurisdiction to do so unless challenged in an appellate or higher court which is not the case herein;
  - h. To that extent, the divorce orders issued in California are recognisable in Kenyan Courts;
3. The Applicants asserts that she seeks recognition of the judgement and Certificate of Divorce issued in the USA. Copies of the pleadings, proceedings and judgement are attached to the Supporting Affidavit.
  4. Despite entering appearance, the Respondent did not participate in these proceedings. By the time of preparing this Ruling, neither party had filed submissions.
  5. The recognition of divorce decrees issued by foreign courts is governed by section 67 of the [Marriage Act](#), No. 4 of 2014 which provide that:
    67. Where a foreign court has granted a decree in matrimonial proceedings, whether arising out of a marriage celebrated in Kenya or elsewhere, that decree shall be recognized in Kenya if-
      - a. either party is domiciled in the country where that court has jurisdiction or had been ordinarily resident in Kenya for at least two years immediately preceding the date of the institution of the proceedings.
      - b. Being a decree of annulment, divorce or separation, it is effective in the country of domicile of the parties or either of them.”
  6. The import of section 67 is that parties seeking recognition of divorce decree need not demonstrate reciprocity but need only demonstrate that the requirements stipulated under the section have been met.
  7. In the instant case, the Divorce Decree sought to be recognized was issued in the United States of America. There is on record a copy of Judgement of the Court dated 10 December 2024. Prior to the dissolution of their marriage, the parties were domiciled in California, USA. It is not clear where the parties reside currently. It is, therefore, evident that the requirements under section 67 of the [Marriage Act](#) have been met: that either party was domiciled in the country where the decree was made and that the decree of divorce was effective in the country of domicile. Additionally, since there is nothing to suggest otherwise, it is right to conclude that the court that issued the decree had the jurisdiction to do so. As such, the decree of divorce issued in USA can be recognized in Kenya.
  8. It is imperative to state that recognition of a foreign judgment is not similar to registration. The implication of the [Foreign Judgments \(Reciprocal Enforcement\) Act](#), which regulates registration of foreign judgments, is that foreign judgments arising out of matrimonial proceedings should be registered, not for enforcement purposes since matrimonial causes are declaratory in nature, but for the dissolution of a marriage which is a personal right.



9. Foreign divorce decrees are registrable in Kenya under section 61 of the Marriage Act, which states:

“Where a marriage celebrated in Kenya is annulled or dissolved by a decree of a foreign court, any party to the annulled or dissolved marriage may apply to the Registrar to register the decree.”

10. In *MNM v PNM* [2016] eKLR, Musyoka, J opined thus:

“Foreign annulments and dissolution of marriages are now registrable under section 61 of the Marriage Act, 2014. However, unlike the provisions in the Foreign Judgments (Reciprocal Enforcement) Act, which envisage adoption of such orders by the courts, the registration envisioned in section 61 of the Marriage Act, 2014 is by the Registrar of Marriages.”

11. Accordingly, I allow the Application and direct as follows:

- i. The dissolution of marriage Decree issued to the J.W.M and S.G.K, the parties herein, in the Superior Court of California, County of Riverside, USA, is hereby recognised and adopted as an order of this Court.
- ii. There are no orders as to costs.

**DATED AND DELIVERED AT NAIROBI THIS 4 DAY OF JULY 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

**DELIVERED ON VIRTUAL PLATFORM IN THE PRESENCE OF:**

For Applicant: Ms. Nyakundi h/b Mr. Koceyo

For Respondent: N/A

Libertine Achieng..... Court Assistant

