



**DGK v ANK (Matrimonial Cause E001 of 2024)
[2025] KEHC 13014 (KLR) (19 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13014 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
MATRIMONIAL CAUSE E001 OF 2024
RC RUTTO, J
SEPTEMBER 19, 2025
IN THE MATTER OF THE MATRIMONIAL PROPERTY ACT 2013**

BETWEEN

DGK APPLICANT

AND

ANK RESPONDENT

JUDGMENT

1. The applicant moved court by way of an originating summon seeking declaratory orders regarding the distribution of both immovable and movable properties jointly acquired during the subsistence of his marriage to the respondent. Specifically, the applicant prays for the following orders;
 1. That the honourable court be pleased to declare and issue a declaration that the listed immovable properties set out in the schedule herein below and registered in both names of the applicant and the respondent be shared in the following terms;
 - i. LR No. 12715/xxxxx situated in Syokimau, Mavoko Municipality in Machakos County to be registered in the name of ANK as it is where the matrimonial home sits.
 - ii. Plot No. xxxx Phase III Mavoko Land and Development Ltd to be registered in the name of ANK.
 - iii. Plot No. xxx Phase II A Mavoko Land Development Co. Ltd to be registered in the name of ANK.
 - iv. Makuyu/Kimorori Block 6 (Kathangi)/xxxx to be registered in the name of DGK
 - v. Mitubiri/Wempa Block 1/xxxx to be registered in the name of DGK.



- vi. Plot no.xxx Phase 1B Mavoko Land Development Co. Ltd to be registered in the name of DGK.
 - vii. Plot No. Cxx Witethie Three Waig Limited to be registered in the name of DGK
2. That the honourable court issue a declaration that the listed movable properties set in the schedule herein below and registered in name of the Applicant be shared in the following terms.
 - a. Lorry registration number KCU xxxZ make Isuzu NPR to be registered in the name of DGK.
 3. That the Deputy Registrar of this court be empowered to sign any documents that the respondent may refuse to sign to give effect to any orders the court may issue.
 4. That this honourable court be pleased to make such orders as will meet the ends of justice.
2. The application is supported by the supporting affidavit sworn on 11th April 2024, by the applicant. He deposed that he was previously married to the respondent and during the subsistence of the marriage they jointly acquired numerous properties, both movable and immovable which were registered in their names. That they divorced and a decree absolute has been issued dissolving the marriage. Following this, the parties held a discussion and mutually agreed on how to share out the properties. The applicant now seeks a declaration that the properties be shared out in the manner outlined in the Originating Summon.
 3. In response, the Respondent filed a Replying Affidavit sworn on 27/8/2025. She confirmed that she was married to the appellant and that the marriage had been legally dissolved and a decree absolute issued. She deposed that during the subsistence of the marriage they acquired property which formed matrimonial property and which is subject of this suit. Importantly, she stated that she had no objection to the mode of distribution proposed by the applicant herein. This position was reiterated during hearing.
 4. Upon considering the pleadings and submissions of both parties, the court notes that the appellant and respondent have reached a mutual agreement regarding the division of the matrimonial properties acquired during the subsistence of the marriage. The respondent has expressly supported the proposed distribution and raised no objection. This court is satisfied that the agreement reflects the parties' intentions post-divorce.
 5. In view of the consensus and in the interest of the parties, the court hereby allows the Originating Summons as per the proposed distribution of the listed properties. The distribution shall proceed in accordance with the terms set out in the application as follows;
 - i. LR No. 12715/xxxxx situated in Syokimau, Mavoko Municipality in Machakos County to be registered in the name of ANK .
 - ii. Plot No. xxxx Phase III Mavoko Land and Development Ltd to be registered in the name of ANK.
 - iii. Plot No. xxx Phase II A Mavoko Land Development Co. Ltd to be registered in the name of ANK.
 - iv. Makuyu/Kimorori Block 6 (Kathangi)/xxxx to be registered in the name of DGK
 - v. Mitubiri/Wempa Block 1/xxxx to be registered in the name of DGK.



- vi. Plot no.xxx Phase 1B Mavoko Land Development Co. Ltd to be registered in the name of DGK.
 - vii. Plot No. Cxx Witethie Three Waig Limited to be registered in the name of DGK
 - viii. Lorry registration number KCU xxxZ make Isuzu NPR to be registered in the name of DGK.
6. Given that the parties were able to reach a consensus on the mode of sharing of the properties I see no reason to authorise the Deputy Registrar to execute any necessary documents should the respondent decline to do so.
7. Considering the nature of the dispute and the amicable resolution reached, each party shall bear their own costs.

DATED, SIGNED AND DELIVERED AT MACHAKOS THIS 19TH DAY OF SEPTEMBER, 2025.

RHODA RUTTO

JUDGE

In the presence of;

.....Applicant

.....Respondent

Selina Court Assistant

