



**JGK v FWK (Civil Case 19 of 2017) [2024] KEHC 4734 (KLR) (18 April 2024) (Directions)**

Neutral citation: [2024] KEHC 4734 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CIVIL CASE 19 OF 2017  
TW CHERERE, J  
APRIL 18, 2024**

**BETWEEN**

**JGK ..... APPLICANT**

**AND**

**FWK ..... RESPONDENT**

**DIRECTIONS**

1. By a judgment dated 13<sup>th</sup> July, 2023, this court determined this matrimonial cause and made a finding that LR. Kianjai/mituntu/257 is matrimonial property and directed that the same be distributed in equal shares to parties herein.
2. A green card presented in support of the application dated 14<sup>th</sup> December, 2023 reveals that the caution that Plaintiff/Applicant seeks to lift was placed in favour of LM and DM on 26<sup>th</sup> September, 2002 and a charge in favour of Industrial & Commercial Credit Development Corporation was registered on 04<sup>th</sup> October, 1996.
3. There is no evidence that this application has been served on the above-named parties and since it would not be in the interest of justice to condemn them unheard, it is hereby ordered:
  1. The ruling scheduled for 18<sup>th</sup> April, 2024 was set prematurely
  2. Plaintiff/Applicant is directed to serve the application dated 14<sup>th</sup> December, 2023 on LM, DM and Industrial & Commercial Credit Development Corporation within 14 days from today’s date
  3. Upon service, LM, D and Industrial & Commercial Credit Development Corporation shall have 14 days to file and serve their respective responses
  4. Thereafter, the Applicant shall have 3 days to file and serve any further affidavit if need be



5. After the last of 3 days in order (4) above, parties will be at liberty to file and serve respective submissions if need be with each party having 3 days each
6. Mention on 12<sup>th</sup> June, 2024 to take date for ruling on the application application dated 14<sup>th</sup> December, 2023

**DELIVERED AT MERU THIS 18<sup>th</sup> DAY OF April 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

**Appearances**

Court Assistants - Kinoti/Munene

For Plaintiff/Applicant - Mr. Muthomi for John Muthomi & Co. Advocates

For Defendant/Respondent - Mr. Mwirigi for OMK Advocates, LLP

