



**MKM & another v BTK (Miscellaneous Application 26 of 2023)
[2024] KEHC 4491 (KLR) (Family) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4491 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
MISCELLANEOUS APPLICATION 26 OF 2023
HK CHEMITEI, J
APRIL 11, 2024**

BETWEEN

MKM 1ST APPLICANT

MNM 2ND APPLICANT

AND

BTK RESPONDENT

RULING

1. In their uncontested application dated 29th November 2023 the applicants pray that this court be pleased to transfer Milimani Children’s case No. E1659 of 2023 to Maua law courts for purposes of review of the Exparte custody order issued on 16th November 2023 and for determination of the main suit.
2. The said application is based on the grounds thereof and the sworn affidavit of the 1st applicant
3. The substantive reasons for the application is that they were based in Igembe North Sub County of Meru together with the respondent.
4. That the respondent is a local politician and his travelling to Nairobi is basically on business purposes and nothing else. Consequently, it was her prayer that the proper place to determine her cause and to challenge the Exparte orders issued is within their jurisdiction.
5. As indicated above the application was unopposed despite the court granting the respondent time to do so on 18th December 2023.
6. In the absence of any opposition and in view of the reasons of geographical jurisdiction of the parties the application is hereby allowed as prayed.



7. Costs shall await the outcome of the substantive case.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 11TH APRIL 2024.

H K CHEMITEI

JUDGE

