



**EWT v EMT (Judicial Review E002 of 2022) [2023] KEHC 570 (KLR) (9 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 570 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
JUDICIAL REVIEW E002 OF 2022  
HK CHEMITEI, J  
FEBRUARY 9, 2023**

**BETWEEN**

**EWT ..... APPLICANT**

**AND**

**EMT ..... RESPONDENT**

**RULING**

1. In her chamber summons dated January 13, 2023 the applicant prays that the respondent herein be compelled to produce in this court the minor em and her custody thereof be awarded to her.
2. The application is based on the sworn affidavit of the applicant dated the same date and the grounds on the face of it.
3. When the matter came up for inter partes hearing the respondent did not file any response though he was served as per the affidavit of service dated January 27, 2023.
4. The issued bedevilling the parties are very easy to appreciate. By the orders of this court dated April 14, 2022 the parties were granted several orders to ensure that the subject minor is granted custody of both of her parents. According to the applicant she was not able to have the child’s custody in the month of December 2022 as directed by the court. The basic reason was that the respondent did not perform what he was required to do namely hand the child to her.
5. This thus necessitated the filing of the application herein and as stated above the same was not opposed.
6. For the said reasons the application is allowed to the extent that the respondent EMT is hereby within seven days from the date herein ordered to produce the subject before this court and in default the police are authorised to enforce this order.
7. Costs in the cause.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 9<sup>TH</sup> DAY OF FEBRUARY 2023.**



**H K CHEMITEI**  
**JUDGE**

