



**Kasangra v Kasangra & another (Constitutional Petition E341 of 2021)
[2023] KEHC 1918 (KLR) (Constitutional and Human Rights) (10 March 2023) (Order)**

Neutral citation: [2023] KEHC 1918 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
CONSTITUTIONAL PETITION E341 OF 2021**

AC MRIMA, J

MARCH 10, 2023

BETWEEN

PERRY KASANGRA PETITIONER

AND

SMRITI MADAN KASANGRA 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

ORDER

1. This matter is scheduled for a ruling on a Notice of Motion dated December 7, 2021. It was filed by the 1st Respondent.
2. The application challenges the jurisdiction of this Court on inter alia the common law doctrine of mootness, hence, non-justiciable, on the ground that the Petitioner herein obtained a final judgment before the Family Division of the High Court of Kenya at Nairobi in Misc. Application No. HCFOS/E031/2020 In the Matter of AVK (A Child) Ex parte Perry Kasangra which judgement was delivered on 21st May, 2021 by Hon. Lady Justice M. Thande.
3. On perusal of the instant application, the responses and the parties' submissions, it is imperative that this Court peruses the said Application No. HCFOS.E031/2020. At the moment, this Court cannot access the said application, although it was filed and dealt with through the Court's online system, for lack of access into the Family Division's online system.
4. In the circumstances, the best way forward would be either a physical file be availed or the access be granted.
5. As I am now on transfer, further proceedings shall be directed by the Presiding Judge of the Division.



6. As a result, the following orders hereby issue: -
- a. The Hon. Deputy Registrar shall avail the original Court file in Family Division of the High Court of Kenya at Nairobi in Misc. Application No. HC FOS/E031/2020 In the Matter of AVK (A Child) Ex parte Perry Kasangra. Alternatively, access into the Family Division's system be availed.
 - b. This matter shall be placed before the Presiding Judge for further proceedings.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 10TH DAY OF MARCH, 2023.

A. C. MRIMA

JUDGE

