



**Kirimi v Mwangi (Miscellaneous Application E011 of 2024)
[2024] KEHC 13614 (KLR) (Family) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13614 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
MISCELLANEOUS APPLICATION E011 OF 2024
HK CHEMITEI, J
NOVEMBER 7, 2024**

BETWEEN

KENNETH KIRIMI APPLICANT

AND

LILILAN MWANGI RESPONDENT

RULING

1. In the motion by the Applicant dated 29th January 2024 brought under certificate of urgency the Applicant prays for the following orders:-
 - (a) That the Deputy Registrar of this court to recognize and adopt the dissolution of marriage decree given to the Applicant and the Respondent in the District Court, Gregg County Texas, United States of America in 2023-582-DR on 28th September 2023 pursuant to Section 61 of the *Marriage Act* rule 22 (1) of the Matrimonial Proceedings rules 2020.
2. The application is based on the grounds thereof and the sworn affidavit of the Applicant dated the same date.
3. The Respondent did not file any objection or defense to the application despite evidence of service.
4. From the annexures to the application, it is evident that the Applicant and the Respondent conducted their marriage on 6th March 2020 here in Kenya. However, for reasons best known to them the said marriage did not last and they divorced in America as per the divorce decree dated 28th September 2023.
5. That is the decree the Applicant seeks to have adopted pursuant to the provisions of the *Marriage Act*. The two portions of the Act which he relies on includes Section 61 of the Act which provides that:-

“Registration of foreign annulments and divorces



- (1) Where a marriage celebrated in Kenya is annulled or dissolved by a decree of a foreign court, any party to the annulled or dissolved marriage may apply to the Registrar to register the decree.
- (2) Where the Registrar is satisfied that a decree under this section should be recognised in Kenya as if the decree was made by a Kenyan court, the Registrar shall register the decree in a register maintained for the purpose.
- (3) An application under this section shall include—
 - (a) a copy of the decree and where the decree is not in an official language, a certified translation of the decree in an official language and in the prescribed form; and
 - (b) a declaration under the law of the country in which the decree was obtained made to a legal practitioner authorised to witness such a declaration that states the decree is effective in that country as if the marriage had been celebrated in that country.”

6. On the other hand, Rule 22(1) of the Marriage (Matrimonial Proceedings) Rules 2020 provides as follows:-

“Registration of foreign annulments and divorces

- (1) Where a marriage celebrated in Kenya is annulled or dissolved by a decree of a foreign court, any party to the annulled or dissolved marriage shall apply to the Registrar in Form MA24 set out in the First Schedule to register the decree.
- (2) The application under subrule (1) shall include the documents set out under section 61(3) of the Act.”

7. Based on the above provisions of the law this court is satisfied that the application is merited and the same is hereby allowed as prayed.

8. Costs shall be in the cause.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 7TH DAY OF NOVEMBER 2024.

H K CHEMITEI

JUDGE

