

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CIVIL CASE NUMBER 65 OF 2013

E M K.....APPELLANT

VERSUS

W N A.....RESPONDENT

RULING

1. On the 18th September 2014, this Court (Honourable M. Anyara Emukule, J) delivered judgment in the matter of the Matrimonial Property herein being **LR Kiambogo/Kiambogo Block [particulars withheld]** that the said property was acquired through joint efforts by the parties during the subsistence of their marriage, and directed that all the developments thereon be valued, sold at market value and the proceeds be divided equally between the Applicant and the Respondent, and further directed that upon valuation, either party may be given priority to buy out each other.

Following the court's judgment, two valuations were prepared by each of the two parties. Both parties came up with valuations that were at variance and not acceptable to them.

2. On the 11th March 2015, the court made an order that the Nakuru County(District) Valuer do undertake an independent valuation on the property to determine its market value.

Pursuant to the said order, the Nakuru County District Valuer, one Mr. J.S. Wanjie visited the premises and undertook a valuation. He filed his report dated 6th May 2015. He reported a current open market value of Kshs.1,800,000/=.

When the matter came up in court on the 11th November 2015, it was reported that the respondent did not accept the valuation report dated 6th May 2015 alleging that he was not present or involved in the valuation. He sought for another valuation report. The court ordered for a second valuation report to be prepared by the same District Valuer.

3. On the 31st May 2016, the Nakuru County District Valuer Mr. J.S Wanjie filed a letter dated the 4th March 2016 and stated:

“Having earlier carried out valuation mentioned above, and having considered all due professional diligence and prudence, I still wish to retain the same capital value returned on the property, in the above quoted report, dated 6th May 2015, that is, at Kshs.1,800,000/= (One Million, Eight Hundred Thousand).

4. The court, going by the above professional valuation of the suit property shall, declares the current open market value of the property to be Kshs.1,800,000/=. Parties may now proceed to exercise the options stated in the judgment of the court dated the 18th September 2014.

Dated, signed and delivered in open court this 14th day of July 2016.

JANET MULWA

JUDGE