



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

HCCC 312 OF 2013 (OS)

IN THE MATTER OF SHARING MATRIMONIAL PROPERTY

AND

IN THE MATTER OF MARRIED WOMENS PROPERTY ACT

BETWEEN

SUSAN KARAMANA MUTWIRI.....APPLICANT

VERSUS

FRANKLIN MUTWIRI.....RESPONDENT

R U L I N G

This application is predicated Upon Order 57 Rules 1 and 2 and Order 11(b) of the Civil Procedures Rules and Sections 1A, 1B, 3 and 3A of the Civil Procedure Act and all other enabling provisions of the Law. It seeks orders:-

a) That this suit (O.S) No.312 of 2013, be consolidated with (O.S) High Court of Kenya at Meru Number 298 of 2013 and that the same be heard together.

b) That costs of this application be costs in the cause.

The application is supported by the affidavit of **SUSAN KARAMA MUTWIRI** and has the following grounds:-

i. Both suits concern property by Plaintiffs/applicants against one defendant former husband to both.

ii. Same and or common issues of fact and law are involved.

iii. That it shall generally be convenient for parties both in terms of costs and convenience.

On 04/11/2015, Mr. Mutegi, holding brief for Mr. Ondari for the applicant told the Court that the application had been properly served upon the Respondent. He told the Court that the Respondent had not responded to the application. He asked the Court to allow the application.

I find that the application is not opposed by the Respondent. In the Circumstances, the application is allowed. It is hereby ordered that HCC (OS) No 312 of 2013 (Meru) be Consolidated with HCC (OS) No. 298 of 2013 (Meru). I order that costs be in the cause.

Delivered in open Court at Meru this 9th day of November, 2015 in the presence of:-

CC: Daniel/Lilian

Ondari Absent for Plaintiff

L. Kimathi Absent for defendant

P. M. NJOROGE

JUDGE