



**LWN v PKN (Matrimonial Case 1 of 2020) [2025] KEHC 14495 (KLR) (9 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14495 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT MURANG'A**  
**MATRIMONIAL CASE 1 OF 2020**  
**TW OUYA, J**  
**OCTOBER 9, 2025**  
**IN THE MATTER OF MATRIMONIAL PROPERTY ACT 2013**  
**AND**  
**IN THE MATTER OF LAND REGISTRATION ACT**

**BETWEEN**

**LWN ..... APPLICANT**

**AND**

**PKN ..... RESPONDENT**

**RULING**

1. This Ruling is in respect of a Notice of Motion Application dated 30<sup>th</sup> January 2025 by the Applicant LWN seeking for orders that:
  - i. That this Honourable Court be pleased to order and authorise the Deputy Registrar of this Court to sign and execute all such papers as are necessary for the application for Land Control Board Consent, subdivision and transfer of suit land parcel number LOC.20/xxxx-xxxx/6031.
  - ii. That the Land Registrar be authorized to dispense with production of the Identity Card, PIN certificate and passport size photo of PKN , the respondent herein.
  - iii. That the Land Registrar be authorized to dispense with the production of the original title deed for LOC.20 xxxx-xxxx/6031 which is in the possession of the respondent.
  - iv. That the costs of this application be borne by the respondent.
2. The Application is based on grounds and affidavit of even date sworn by the Applicant LWN that the honorable court delivered its judgement on 29<sup>th</sup> October 2024, ordering that the suit land be divided between the Applicant and the Respondent on a 50:50 basis. That however, the Respondent who is in possession of the original title deed for the suit land and has refused to surrender it. That he has also



completely declined signing of the land control board papers, subdivision and transfer to facilitate the Applicant acquiring her shares per the judgement of the court.

3. The Applicant pleads that it is in the interest of justice that the Deputy Registrar do sign the necessary papers on behalf of the Respondent.
4. This application was served upon the respondent on 25<sup>th</sup> April 2025 as evidence by the affidavit of service sworn on 2<sup>nd</sup> May 2025 by Alice Kanini Wachira a licensed process server. It is evident that the respondent did not file any response neither did he participate in the hearing.
5. The matter was set for hearing of the application on 26th May 2025 upon which counsel for the Applicant made oral submissions that they are seeking for orders 1,2& 3 on the basis that there is already a judgement of the court on record for division of the property Loc.20/ Gikindu-Kimbirwa /6031 which is in possession of the respondent and that he has refused to sign papers for the application to the Land Control Board for subdivision and transfer of the Applicant's share as per the court order. That the Respondent has failed to provide the documents to process the land Control board, Subdivision and transfer of the Applicant's share of the aforesaid property.
6. The Applicant therefore prays that the Application be allowed as prayed.
7. In determining this matter, this court considers that that there is on record a Judgement of this court by Hon Justice J. Wakiaga dated 29<sup>th</sup> October 2024 where in at paragraph 11 the court made a finding that:

‘I further find and hold that the Applicant contributed to the acquisition of the said property both in monetary and non-monetary terms and that the parties having shared the proceeds from the business venture into 50;50, this property shall therefore be divided between the Applicant and the Respondent on the basis of 50:50 and that the Respondent shall be entitled to the developed part of the property and it is ordered.’
8. It follows therefore that the Respondent was to play the key role in the implementation of this judgement being that he is in possession and the title is in his name. It is exactly one year since the court order was issued and it is apparent that there has been non-compliance by the respondent based on the supporting Affidavit causing the Applicant to move the court for an alternative legal mean.
9. I find that this is a deserving case for court's intervention and I allow the Application as prayed with no orders as costs

**DATED, SIGNED AND DELIVERED ELECTRONICALLY THIS 9<sup>TH</sup> DAY OF OCTOBER, 2025.**

**HON. T. W. OUYA**

**JUDGE**

For Applicant.....ms Kimani

For Respondent....no Appearance

Court Assistant...brian

