



**KS v RNG (Miscellaneous Application E007 of 2025)  
[2025] KEHC 16728 (KLR) (11 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16728 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
MISCELLANEOUS APPLICATION E007 OF 2025**

**G MUTAI, J**

**NOVEMBER 11, 2025**

**IN THE MATTER OF SECTION 61(3) OF THE MARRIAGE ACT, 2022**

**AND**

**IN THE MATTER OF RULE 22(1) OF THE MARRIAGE  
(MATRIMONIAL PROCEEDINGS) RULES, 2020**

**BETWEEN**

**KS ..... APPLICANT**

**AND**

**RNG ..... RESPONDENT**

**RULING**

1. The applicant got married to the respondent on 23<sup>rd</sup> March 2012 at the Marriage Registrar’s office in Mombasa. At the time of the celebration of the marriage the applicant, a Norwegian national was 49 years old, while the respondent, a Kenyan citizen was 25. The said marriage was dissolved on 25<sup>th</sup> October 2016 pursuant to an order issued by the County Governor of Oslo and Akershus. The divorce order was issued under Act of 4 July 1991, No 47 relating to Marriage, section 21.
2. The applicant has moved this court vide an application dated 20<sup>th</sup> February 2025 seeking to have the divorce order dated 25<sup>th</sup> October 2016 issued in Norway adopted by this Court and for the same to be registered in Kenya.
3. The applicant averred in his affidavit in support of the application that he got divorced from the respondent RNG, also known as RS, pursuant to a divorce order granted in Norway on 25<sup>th</sup> October 2016. He deposed that the divorce order granted in Norway is valid decree for divorce.
4. The respondent did not participate in these proceedings despite being served. I have seen the affidavit of service sworn on 26<sup>th</sup> September 2025, and am satisfied that the respondent was properly served.



5. I have perused the said application and the affidavit in support thereof. I have also considered the exhibits annexed thereto. I must now determine if I should allow the application.

6. Section 67 of the *Marriage Act*, 2014, provides for the recognition of divorce decrees issued by foreign courts. It states that: -

“Where a foreign court has granted a decree in matrimonial proceedings whether arising out of a marriage celebrated in Kenya or elsewhere, that decree shall be recognized in Kenya if—

- (a) either party is domiciled in the country where that court has jurisdiction or had been ordinarily resident in Kenya for at least two years immediately preceding the date of institution of proceedings; or
- (b) being a decree of annulment, divorce or separation, it is effective in the country of domicile of the parties or either of them..”

7. The applicant is domiciled in Norway. I have no reason to doubt that the Court that issued the decree had the requisite jurisdiction to do so. I have read the divorce order, the same appears to me to be in order. I therefore find and hold that the divorce order issued to the applicant in Norway is capable of being recognized in Kenya.

8. Under the Kenya law “recognition” of a decree of divorce is different from “registration”. The Court in *IWN v HJC* [2021] eKLR stated as follows: -

“It must be noted that recognition of foreign judgments is not the same as Registration. Whilst the provisions of the *Foreign Judgments (Reciprocal Enforcement) Act* only regulates the registration of foreign Judgments, the implication is that Judgments arising out of matrimonial causes be registered not for enforcement purposes since matrimonial causes are declaratory in nature, but for dissolution of the marriage, which is a personal right. Foreign annulment and dissolution of marriage are now registrable under Section 61 of the *Marriage Act* 2014. Registration of such orders is a preserve of the Registrar of Marriages and not the Courts. For clarity purposes and avoidance of doubt, I wish to reproduce Section 61 of the *Marriage Act* 2014, which provides that: -

“Sub-Section (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.”

8. I am in full agreement with what W Musyoka, J stated in *MNM v PNM* (2016) eKLR to wit that: -

“Foreign annulments and dissolution of marriages are now registrable under Section 61 of the *Marriage Act*, 2014. However, unlike the provisions in the *Foreign Judgments (Reciprocal Enforcement) Act*, which envisages adoption of such orders by the courts, the registration envisioned in Section 61 of the *Marriage Act* 2014 is by the Registrar of Marriages.”

10. Although the law is clear enough I note that the Registrar of Marriage has in essence created a requirement that the foreign dissolution of marriage must first be adopted/registered by the court before the formal registration under section 61 of the *Marriage Act* is done. This is unnecessarily burdensome to the parties who, upon the breakdown of their marriages, wish to move on. As far as I can tell the *Marriage Act* has no such requirement. This is a situation that calls on this court to be prudent and facilitate access to justice and to avoid an unnecessary stalemate.



10. The applicant seeks to have the foreign decree of divorce recognized by this Court. Upon consideration of the matter I am inclined to allow the application. In the result: -

1. I recognize and adopt the divorce order issued by the County Governor of Oslo and Akershus pursuant to Act of 4 July 1991, No 47 relating to Marriage, section 21 vide which the marriage between the applicant and the respondent was dissolved;
2. I order the applicant to register the said decree/order of divorce with the Registrar of Marriages pursuant to section 61 of the *Marriage Act*, 2014; and
3. Each party shall bear own costs.

11. It is so ordered.

**DATED AND SIGNED IN MOMBASA, THIS 11<sup>TH</sup> DAY OF NOVEMBER 2025. DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS.**

**GREGORY MUTAI**

**JUDGE**

In the presence of:-

Ms Akinyi for the Applicant;

No appearance for the Respondent; and

Arthur – Court Assistant.

