



**GCS v LT (Family Originating Summons E044 of 2025)
[2025] KEHC 19120 (KLR) (Family) (17 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19120 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
FAMILY ORIGINATING SUMMONS E044 OF 2025
CJ KENDAGOR, J
DECEMBER 17, 2025**

BETWEEN

GCS APPLICANT

AND

LT RESPONDENT

RULING

1. This ruling is on an application dated 13th May, 2025, filed by the Applicant that seeks the recognition and adoption of a decree on dissolution of marriage issued by Kalmar District Court in Sweden and that the Court do issue an order of inhibition, preservation, restraining any dealings over property known as GEDE/DEBASO/1184 pending hearing and determination of this present application and subsequent division of matrimonial property proceedings.
2. The background of the matter is that the Applicant and the Respondent, married on 9th June, 2011 at Kalmar, Sweden, through a civil marriage.
3. The marriage broke down, and it was dissolved on 7th January, 2021, pursuant to a decree of dissolution issued by the Kalmar District Court in Sweden, Division 2, T 329-20.
4. The parties are domiciled in Sweden.
5. The Respondent filed a replying affidavit in which she acknowledges both the existence of the marriage and its subsequent dissolution.
6. The parties also filed written submissions.
7. In her affidavit and submissions, the Respondent opposes the application in so far as it seeks to treat LR GEDE/DEBASO/1184 as matrimonial property or to deprive her of her sole proprietary interest



- therein. Further, she argues that recognition of a foreign divorce does not automatically vest property rights but only permits recognition of the dissolution of marriage, and it does not empower the Court to distribute property. She submits that the Applicant has no proprietary or beneficial interest in the said suit property and therefore no basis for an inhibition order.
8. The issue for determination is what orders the court should issue regarding the application for recognition and adoption of the foreign judgment and whether the court can issue inhibition orders.
 9. The *Marriage Act* is the special law governing issues pertaining to marriages and divorce in Kenya.
 10. Section 67 provides for the recognition of a decree by a foreign court in matrimonial proceedings and states as follows;
 - “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”
 11. From the material available to the Court, the decree was issued and sealed by the Kalmar District Court, Sweden. There is also evidence, by the parties’ acknowledgement, that they were domiciled in the country in which the decree was issued. The decree meets the threshold for recognition and adoption in Kenya.
 12. After confirming that the decree meets the recognition threshold, the next issue to examine is whether the court should issue the inhibition orders sought over the property, LR GEDE/DEBASO/1184.
 13. The Applicant has sought an order of inhibition, preservation, restraining any dealings over property known as GEDE/DEBASO/1184 pending hearing and determination of this present application and subsequent division of matrimonial property proceedings.
 14. While handling a similar case in which he recognized foreign judgment entered in USA in the case of *MNM v PNM* [2016] eKLR, Justice Musyoka had this to say:
 - “foreign annulments and dissolutions are registrable by the Registrar of Marriages under Section 61 of the *Marriage Act*, 2014, but this process is for declaring the change in marital status, not for enforcing property orders”.
 15. The Judge went further to state that:
 - “... foreign judgments in matrimonial causes are indeed recognized in Kenya, but the procedural mechanisms for property are distinct.”
 16. It is therefore clear that under the *Marriage Act*, 2014, foreign judgments annulling marriages are recognized in Kenya, and the prayer for recognition of the dissolution of the marriage herein is properly sought and therefore allowed.
 17. Disputes regarding property issues should be handled in separate proceedings and are not part of this forum, which centres on recognizing the foreign decree.



18. The application dated 13th May, 2025 is allowed to the extent that the Court hereby recognizes and adopts the decree of dissolution of marriage issued on 7th January, 2021, to the Applicant and the Respondent in the Kalmar District Court in Sweden, Division 2, T 329-20.
19. Prayer 3 seeking injunctive reliefs fails. I also make no order on costs.
20. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS
ONLINE PLATFORM ON THIS 17TH DAY OF DECEMBER, 2025**

.....

C. KENDAGOR

JUDGE

In the presence of;

Court Assistant: Beryl

Ms. Wamukore, Advocate for the Applicant

Mr. Kamanja Advocate holding brief for Abdullahi Advocate for the Respondent

