



**OJ v KR (Family Miscellaneous Civil Case E002 of 2026)  
[2026] KEHC 3996 (KLR) (26 March 2026) (Directions)**

Neutral citation: [2026] KEHC 3996 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
FAMILY MISCELLANEOUS CIVIL CASE E002 OF 2026**

**DO CHEPKWONY, J**

**MARCH 26, 2026**

**IN THE MATTER OF: AN, WJH, JFK**

**AND IN THE MATTER OF: AN APPLICATION FOR REGISTRATION OF FOREIGN  
JUDGEMENT AND RECIPROCAL ENFORCEMENT AFT OF THE REPUBLIC OF KENYA**

**BETWEEN**

**OJ ..... APPLICANT**

**AND**

**KR ..... RESPONDENT**

*(Arising out of Miscellaneous Cause No.51 of 2022 at Kasangati Court, Uganda)*

**DIRECTIONS**

1. This matter was coming up for interparties hearing of a Notice of Motion application dated 16<sup>th</sup> January, 2026 in which the Petitioner OJ is seeking for orders to enforce a foreign Judgment from the designate court in Uganda for execution against the Respondents.
2. It is note-worthy that while the Petitioner is ready to proceed with the hearing of this application, M/S Kiarie, counsel has indicated that she was instructed to come on record for the Respondent yesterday and hence required time to go through the pleadings and understand the same so she can file a response.
3. This request has been objected to by the Petitioners who has pointed out that the Respondent was duly served with the application as directed by the court but has been running away from this with her relatives calling to threaten him. He says that time is of essence as he needs to take his children to school.
4. Having listened to the Applicant and counsel for the Respondent on whether or not to enforce the Judgment, in view of the application having been brought under Certificate of Urgency and directions having issued for the same to be heard today interparties, the hearing should be adjourned. It is not



in dispute that on the application dated 16<sup>th</sup> January, 2026 was certified urgent and scheduled for interparties hearing today. It is also not in dispute that the application and court's directions on interparties hearing were served upon the Respondent, as there is counsel before court indicating that she has been instructed to appear for the Respondent and need time to file a response. This is a clear indication that the Respondent is aware of the application before court and the directions issued thereon.

5. However, while court's directions and or orders are meant to be complied with in strict terms, especially instances where urgency has been pleaded as in this case, an application for adjournment is one of those that call for court's exercise of discretion, depending on the circumstances of the same.
6. I have read through the application and note that the same involves children hence the need to prioritize its urgency. It has clearly come out that the application is opposed.
7. In the court's view, this application is about the welfare of the three (3) children belonging to the parties herein and any decision this Court is bound to arrive at would be based on the right of the children as provided for under Article 53 of *the Constitution* and the best interest of the child as guided by the provisions of Section 17 of the Children's Act.
8. It will be appreciated that while the court appreciated the urgency in the matter and directed that the same be heard today, what is of substantive justice and hence requires to be prioritized is the children's welfare as opposed to enforcing directions on proceedings with the scheduled hearing without the input of the opposing party. It is clear that the orders sought have the effect of disruption of the children's physical and or emotional status.
9. Having stated as much, this Court finds that it would be in the interest of justice to give the Respondent an opportunity to file her response so that the court can consider the application on merit, and arrive at a decision that would not prejudice the welfare of the children whose interests are paramount. However, given that children are involved in this matter, expediency is of essence. Therefore, the following directions issue:-
  - a. The hearing is adjourned.
  - b. The Respondent be and is hereby granted leave to file and serve her response within seven (7) days from the date hereof.
  - c. Interparties hearing on 9<sup>th</sup> March, 2026.
  - d. Given that the best interest of the child is paramount, the children, subject matter of this application to be presented to court on hearing date for examination and assessment by the court.
  - e. Failure to comply with the above directions by either party, will render their pleadings expunged or hearing to proceed in court without recourse to them.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 26<sup>TH</sup> DAY OF FEBRUARY , 2026.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:



Applicant in person – present

M/S Kiarie counsel for the Respondent

Court Assistant – Sakina/Martin

