



**Olobelesa v Belesa (Environment and Land Appeal E001 of 2024)
[2025] KEELC 2913 (KLR) (27 March 2025) (Ruling)**

Neutral citation: [2025] KEELC 2913 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KILGORIS
ENVIRONMENT AND LAND APPEAL E001 OF 2024
MN MWANYALE, J
MARCH 27, 2025**

BETWEEN

KUYIA OLOBELESIA APPELLANT

AND

NAISWEKU ENOLE BELESA RESPONDENT

RULING

1. This matter was coming up for a Judgment of the main Appeal and upon looking at the pleadings before the trial court the issues therein concerned the issues of the validity of or otherwise of the marriage between the Plaintiff and the Defendant being the Appellant and Respondents herein.
2. The Appeal herein especially ground No. 3 resolves the issue of the validity of the marriage.
3. The issue of validity of marriage is a preserve of the High Court under the Matrimonial causes Act and the same needs to be answered by the said court before I take jurisdiction on the remaining issues if any.
4. Accordingly, on the courts own motion the Appeal herein in so far as it relates to validity of the marriage between the Appellant and the Respondents claim pursuant to that marriage of a share of her “husband” property on her behalf and on behalf of her kids is transferred to the High court at Kilgoris for hearing and determination, on the said issues.
5. Since parties have already filed submissions on the Appeal the partis shall appear before the High Court on 1st of April, 2025 for further directions.

DATED AT KILGORIS THIS 27TH DAY OF MARCH, 2025.

HON. M.N MWANYALE

JUDGE

In the presence of



CA – Emmanuel/Sylvia

Ms. Mireri for the Appellant

N/A Ms. Pion for the Respondent

