



JK v JYK (Matrimonial Cause E003 of 2024) [2025] KEHC 5647 (KLR) (28 April 2025) (Ruling)

Neutral citation: [2025] KEHC 5647 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MATRIMONIAL CAUSE E003 OF 2024
SM MOHOCHI, J
APRIL 28, 2025**

BETWEEN

JK PLAINTIFF

AND

JYK DEFENDANT

RULING

1. The Preliminary Objection of contravention of Section 19 of Civil Procedure Code of there being a primary suit is overruled. The petitioner filed this application together with the originating summons dated 15th February, 2024.
2. Interlocutory reliefs are available in matrimonial property dispute even where spouse are not officially divorced.
3. That being the case and in exercise of the discretion bestowed on me I am inclined to find merit in and issue the following prayers from the application dated 15th February, 2024:
 - a. An order restraining the Defendant, his agents, servants or employees is hereby issued from selling, alienating, washing, renting or transferring in any way parcels of land in Kiamunyi Residential Plot No.18 and Moka Housing Cooperative Scheme to the detriment of the Plaintiff, pending hearing and determination of the main suit.
4. The costs of this application shall be in the cause.

It is so ordered.

RULING READ, SIGNED AND DELIVERED AT NAKURU THIS 28TH DAY OF APRIL, 2025

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MOHOCHI. S. M.
JUDGE

