



FAA v BAM (Civil Appeal E070 of 2024) [2025] KEHC 9469 (KLR) (30 June 2025) (Ruling)

Neutral citation: [2025] KEHC 9469 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CIVIL APPEAL E070 OF 2024
AN ONGERI, J
JUNE 30, 2025**

BETWEEN

FAA APPELLANT

AND

BAM RESPONDENT

RULING

1. The application dated 26th June 2025 was certified urgent.
2. The court directed that the same be served upon the Respondent for inter partes hearing today.
3. This court is proceeding on leave with effect from 1st July 2025 and will not be able to dispose of the said application.
4. This matter involves minor children and it is in the best interest of the children that interim orders be granted pending the hearing of the application.
5. The Respondent is not opposed to the Applicant going back to the matrimonial house on condition that the 20 year old care giver he has contracted continued to stay with the children.
6. I direct that the Applicant returns to the house and continues to stay with the children pending the inter partes hearing of the application dated 26th June 2025 and also this appeal.
7. The 20 year old care giver to continue staying with the Applicant peacefully.
8. The Respondent to move out of the house in the interim.
9. The Respondent is granted leave to file a Record of Appeal to the application dated 26th June 2025 within 14 days of this date with corresponding leave to the Applicant to file any supplementary affidavit (if need be).



10. Thereafter each party is granted 14 days to file and serve written submissions starting with the Applicant.
11. Mention on 23rd September 2025 for a Ruling date.
12. In the meantime this is a family case and it is best resolved at Mediation.
13. Mediation is now a constitutional mandate which helps the court to give restorative justice.
14. This case has been to Mediation before.
15. I refer the case once more again to the Court Annexed Mediation Sub Registry for purposes of being placed before a different Mediator.
16. The parties to be assigned an experienced Mediator from Nairobi or Mombasa with a knowledge of Muslim law.
17. In the unlikely event that the matter will not be resolved at Mediation, we shall mention the case on 23rd September 2025 for directions on the hearing of this case.

DATED, SIGNED AND DELIVERED THIS 30TH JUNE 2025 IN OPEN COURT AND VIRTUALLY AT VOI.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Millicent

Mr. Nzavi for the Applicant

Mr. Muchiri for the Respondent

