



REPUBLIC OF KENYA



**Mwangi v Ikenga (Civil Case E049 of 2024)
[2025] KEHC 9040 (KLR) (Civ) (26 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9040 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
CIVIL
CIVIL CASE E049 OF 2024
HK CHEMITEI, J
JUNE 26, 2025**

BETWEEN

ASHBEL MUCHIRI MWANGI RESPONDENT

AND

NANCY WACHERA IKENGA APPLICANT

RULING

1. In her application dated 30th January 2025 the Applicant seeks orders that:-
 - (a) Equity Bank Buruburu branch be ordered to produce a bank statement of the joint account number XXXXXXXXXXXXXXX between the period 2000 to 2008
 - (b) Leave be granted to the Applicant to produce the joint bank statement out of time.
2. The application is based on the grounds thereof and the affidavit of even date.
3. The substance of the application is that the Applicant has been unable to secure the bank statement for the period in question because she was no longer a signatory to the said account.
4. She deponed that the transactions that took place between that period was what was used to develop property number 79 which is in contention in this suit. It was therefore imperative that she be allowed to access the same so that she can demonstrate her contribution during her coverture with the Respondent.
5. On her part the Respondent denied that the Applicant needed any orders of the court to access the said account noting that she was a joint signatory. According to him this was purely a delaying gimmick and meant to frustrate the commencement of the suit and that the main reason was because the Applicant was enjoying the rent from the premises therein.



6. The Applicant did file a further affidavit indicating the extent to which she went to obtain the statements but she hit a snag as the bank demanded a court order or the Respondent to formally apply.
7. The parties were directed to file written submissions which they complied. The two rival submissions are each as expected a replica of the rival affidavits save for the authorities cited and the portions of the law.
8. For want of time I do not intent to reproduce the said submissions.
9. The main question in my view is whether the Respondent shall suffer any prejudice should the application be allowed. I respectfully do not think so.
10. The matter is yet to be formally heard and although it seems a delay, I find that since there was a probability that the couple funds passed through this account during their coverture there was no harm in getting the real picture. I state so because other than the question of time there was no concrete reason for the Respondent's objection to the application.
11. More significantly if the account was joint, I think it makes it better at the trial stage for each party to exhibit their respective contribution to the acquisition and development of the properties.
12. In the premises I do find the application merited and order that:-
 - (a) Within 30 days from the date herein Equity Bank Buruburu Branch is hereby directed to supply the Applicant Nancy Wachera Ikenga with a bank statement for the period 2000 to 2008 of account number XXXXXXXXXXXXXXXX.
 - (b) That upon order (a) above being satisfied the Applicant shall file it within 14 days thereafter and it shall be admitted as the Respondent's evidence.
 - (c) The parties are hereby directed to fix this suit for hearing forthwith.
 - (d) Costs in the cause.

DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 26TH DAY OF JUNE 2025.

H K CHEMITEI

JUDGE

