



**JMK v PLWG (Miscellaneous Application E156 of 2025)
[2025] KEHC 12251 (KLR) (Family) (29 August 2025) (Ruling)**

Neutral citation: [2025] KEHC 12251 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
MISCELLANEOUS APPLICATION E156 OF 2025
H NAMISI, J
AUGUST 29, 2025**

BETWEEN

JMK APPLICANT

AND

PLWG RESPONDENT

RULING

1. The Applicant has filed Notice of Motion dated 27 May 2025, brought under section 67 of the Marriage Act, seeking the following orders:
 - i. Spent
 - ii. That the foreign divorce decree issued on 19 April 2022 by the Superior Court of Washington in the County of King in Case No. 19XXXXX be recognised and adopted as a valid judgement of the High Court of Kenya;
 - iii. That any further orders that the Court may deem fit
2. The Application is supported by an Affidavit sworn by the Applicant, in which she avers that the parties got married on 22 May 2001 in Nairobi. Their union was blessed with 2 issues. The couple was fortunate enough to secure green cards and relocated to the United States of America. Unfortunately, due to irreconcilable differences, their marriage was eventually dissolved on 19 April 2022 by way of divorce order granted by the Superior Court of Washington in the County of King. The Applicant avers that both parties were domiciled in the United State of America at the time of the divorce proceedings.
3. To the best of the Applicant’s knowledge, the divorce was granted in accordance with the laws of the State of Washington. Neither party has contested the validity of the order.



4. The Applicants asserts that she seeks recognition of the judgement and Final Divorce Order issued in the USA. Copies of the transcript and order are attached to the Supporting Affidavit.
5. The Respondent did not participate in these proceedings despite being served. I have seen the Return of Service sworn on 12 June 2025 and I am satisfied that the Respondent was properly served.
6. The recognition of divorce decrees issued by foreign courts is governed by section 67 of the Marriage Act, No. 4 of 2014 which provide that:

“67. Where a foreign court has granted a decree in matrimonial proceedings, whether arising out of a marriage celebrated in Kenya or elsewhere, that decree shall be recognized in Kenya if-

- a. either party is domiciled in the country where that court has jurisdiction or had been ordinarily resident in Kenya for at least two years immediately preceding the date of the institution of the proceedings.
- b. Being a decree of annulment, divorce or separation, it is effective in the country of domicile of the parties or either of them.”

7. The import of section 67 is that parties seeking recognition of divorce decree need not demonstrate reciprocity but need only demonstrate that the requirements stipulated under the section have been met.
8. In the instant case, the Divorce Decree sought to be recognized was issued in the United States of America. There is on record a certified copy of transcript from the Court dated 19 April 2022. Prior to the dissolution of their marriage, the parties were domiciled in Washington, USA. It is not clear where the parties reside currently, although the Return of Service indicates that the Respondent was served while in Embakasi, Nairobi. It is, therefore, evident that the requirements under section 67 of the Marriage Act have been met: that either party was domiciled in the country where the decree was made and that the decree of divorce was effective in the country of domicile. Additionally, since there is nothing to suggest otherwise, it is right to conclude that the court that issued the decree had the jurisdiction to do so. As such, the decree of divorce issued in USA can be recognized in Kenya.
9. It is imperative to state that recognition of a foreign judgment is not similar to registration. The implication of the Foreign Judgments (Reciprocal Enforcement) Act, which regulates registration of foreign judgments, is that foreign judgments arising out of matrimonial proceedings should be registered, not for enforcement purposes since matrimonial causes are declaratory in nature, but for the dissolution of a marriage which is a personal right.
10. Foreign divorce decrees are registrable in Kenya under section 61 of the Marriage Act, which states:

“Where a marriage celebrated in Kenya is annulled or dissolved by a decree of a foreign court, any party to the annulled or dissolved marriage may apply to the Registrar to register the decree.”
11. In MNM v PNM [2016] eKLR, Musyoka, J opined thus:

“Foreign annulments and dissolution of marriages are now registrable under section 61 of the Marriage Act, 2014. However, unlike the provisions in the Foreign Judgments (Reciprocal



Enforcement) Act, which envisage adoption of such orders by the courts, the registration envisioned in section 61 of the Marriage Act, 2014 is by the Registrar of Marriages.”

12. Accordingly, I allow the Application and direct as follows:

- i. The dissolution of marriage Decree issued to J.M.K and P.L.W.G, the parties herein, in the Superior Court of Washington, County of King, USA, on 19 April 2022 is hereby recognised and adopted as an order of this Court.
- ii. There are no orders as to costs.

DATED AND DELIVERED AT NAIROBI THIS 29 DAY OF AUGUST 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: Ms. Jepkorir

For Respondent: N/A

Court Assistant: Lucy Mwangi

