Respondent Submissions on Domestic Contributions and Matrimonial Rental Units

Educational sample 145 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

PETITION OR APPLICATION NO [reference]

[APPELLANT OR APPLICANT] v [RESPONDENT]

WRITTEN SUBMISSIONS

1. The Respondent defends the actual allocation by reference to the evidence of monetary and non-monetary contributions. Equality is not offered as a substitute for proving those contributions.

2. Domestic work, care and household spending can support the family arrangements enabling acquisition and development. Their relevance should be assessed in context rather than dismissed solely for lacking a wage receipt.

3. The record concerning the construction loan and rental units is material. The Court should identify the supported findings and distinguish a proved contribution from a disputed assertion.

4. Other properties should not be swept into the relief merely because they were mentioned in earlier pleadings. The assets actually established as matrimonial property and covered by the appealed disposition define the question.

5. The Respondent asks for dismissal and costs. The source upheld the equal shares as a fact-sensitive result; this specimen does not promise equal division in a different case.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

Answer the actual pleaded grounds and the Appellant’s authorities. Identify the record pages relied upon and any genuine limits of jurisdiction. An argument that failed in the source case remains marked historical. New affirmative relief may require a cross-appeal; do not obtain it by adding a prayer to submissions. Follow current filing, bundle and service directions.

Authorities and record references: [authority and proposition]; [relevant admitted document and page]; [court direction governing this filing].

Source and procedural limits

Former spouses disputed a home and rental units in Nairobi. The wife relied on monetary and domestic contributions, including a contested KES 200,000 construction loan. The High Court awarded a smaller share; the Court of Appeal divided the relevant property equally. The Supreme Court considered a certified question about contribution, equality and applicable law.

The Supreme Court dismissed the appeal and upheld equal division on the particular evidence, with costs against the appellant. Article 45(3) does not prescribe an automatic equal share of every matrimonial asset. The Matrimonial Property Act 2013 was not retrospectively applied to the earlier proceedings.

Constitution Articles 45(3) and 163(4)(b); evidence of direct and non monetary contribution; distinction between equal marital rights and property allocation. The old originating summons relied on repealed legislation. Use current legislation and procedure for a new claim.

[2023] KESC 4 (KLR) — 27 January 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=666

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.