



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**HCCA NO. 96 OF 2012**

**R W K.....APPLICANT**

**VERSUS**

**A M A.....RESPONDENT**

**RULING**

1. The applicant and the respondent were unable to agree on what would be a reasonable medical cover for the former and their child K.N. The parties have divorce proceedings before the Kadhi's court following a successful appeal by the applicant.
2. The court ordered the parties to negotiate and reach a settlement on the issue. They sat and talked but they could not agree. The respondent offered a medical cover of out-patient of Kshs. 20,000 for the applicant and the child, and in-patient cover of Kshs. 200,000 for the applicant and Kshs. 500,000 for the child. The applicant sought an out- Patients cover of Kshs. 50,000 for both and in-patient cover of Kshs. 1.5 million for both. The parties addressed the court on these proposals.
3. There is no dispute that the respondent has another family. He is a captain with *[particulars withheld]*. I consider that he has a shared responsibility with the applicant. I take judicial notice of the fact that it is quite expensive to be sick in this country.
4. Considering all the facts of the case, I order that the respondent provides to the applicant and the child an out-patient cover of Kshs. 50,000 and an in-patient cover of Kshs. 750,000 for both. I make no order as to costs.

**DATED at NAIROBI this 29<sup>th</sup> day of April 2015**

**A.O. MUCHELULE**

**JUDGE**

**DELIVERED at NAIROBI this 30<sup>th</sup> day of April 2015**

**W. MUSYOKA**

**JUDGE**