



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**DIVORCE CAUSE 176 OF 2001**

**B K L.....APPELLANT**

**VERSUS**

**Z J.....RESPONDENT**

**RULING**

The Motion dated 30th April 2012 seeks that the respondent be restrained from visiting the petitioner's place of work as she often causes a scene there and thereby putting the petitioner's employment in jeopardy. The petitioner has sworn an affidavit in which he explains what has been happening and why he is unhappy with it.

The respondent has replied to the application. In her affidavit shown on 15th May 2012 she admits that she has indeed been visiting the petitioner's place of employment ostensibly to ask for money for upkeep. She explains that the petitioner moved out of the matrimonial home and no longer picks her telephone calls and she is therefore left with no option but to visit him at his place of work.

The parties are husband and wife. The marital relationship between them appears to have broken down,

hence the filing of the instant separation cause. The accusations that the petition makes in the Motion against the respondent are similar to those made in the Petition filed herein and dated 14th November 2011. It would appear therefore that there is some credence to the petitioner's story.

The parties are already in court and both have stated their respective positions to the court through the papers that they have filed in court in the cause. Their dispute is in court. If the respondent has any complaints against the petitioner or needs to be met by the petitioner, and these are matters that are the subject of this cause she should place them before the court. If he's not providing maintenance, that is an issue that she should place before the court. Likewise if it is about the children, she should raise the matter with the court. I note that the petitioner is represented by counsel but the respondent is not. The counsel retained by the petitioner should ideally receive communication from the respondent on any issue that touches on the matters before the court and in the event that the advocates are not of any assistance, she should then move to court instead of getting in touch personally with the petitioner now that they are not on good terms.

The petitioner earns his keep from his employment. For him to keep providing for the respondent and their children, he has to keep his job. If visits by the respondent threaten his job and ultimately the future welfare of the children, then they are unwarranted. This would be a proper case of grant of restraining orders.

I find merit in the application dated 30th April 2012. I grant prayer 3 of the Motion. There shall be no order on costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 21st DAY OF June 2013.**

**W. MUSYOKA**

**JUDGE**