

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 136 OF 2010

BETWEEN

A V C.....PETITIONER

AND

V U C.....RESPONDENT

RULING

The petitioner in this matter married the respondent on 26th June 1990. This was at a Hindu ceremony conducted at Kitale. The couple has been blessed with two issues, R C and N C, born in 1990 and 1992, respectively.

The petitioner has filed a summons dated 27th March 2012 seeking monthly maintenance at the rate of Kshs. 545, 000.00. She has given a tabulation of her monthly expenses. She puts her children's monthly expenses at Kshs. 60, 000.00. She alleges that the respondent's monthly income stands at Kshs. 1,500, 000.00.

The respondent has filed a reply to the application. He accuses her of abandoning the matrimonial home without any excuse. He disputes what is alleged to be his monthly income. He argues that the petitioner has not demonstrated how she is sustaining herself at the rate of Kshs. 545, 000.00 per month. He further states that their children are adults and that he is not obliged to maintain adults.

I have carefully gone through the petitioner's application. I note that she has not attached a single to support her claims. She has carefully itemised her monthly expenses, yet she has not attached any proof that that is what she spends monthly on those items. One cannot help feeling that the application is speculative and fanciful. I fully agree with the reply. She has tried to drag their children into the matter, but they are no longer children. They are adults and the respondent is not bound to provide for them.

There is no merit whatsoever in the application. I hereby dismiss it with costs.

DATED, SIGNED and DELIVERED at NAIROBI this 15th DAY OF August, 2013.

W. M. MUSYOKA

JUDGE