

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Divorce Cause 8 of 2008

R.O.A.O.....PETITIONER

VERSUS

A.O.M.....RESPONDENT

RULING

The parties to this divorce cause recorded a consent for judicial separation on 26th May, 2009. On 6th July, 2009 the court granted the petitioner the custody of the two issues of the marriage, B.O.M and G.O.M, both of whom expressed their strong desire to be with the petitioner. The respondent was granted visitation rights as per the consent reached and recorded before court. The parties then applied to file written submissions as regards maintenance and the court directed that the same be filed on or before the 15th of July, 2009. Only counsel for petitioner attended court for the mention on 15th July, 2009 when the file was listed before the Honourable Mr. Justice Maraga. His Lordship directed that the same be mentioned on 21st July, 2009. Again counsel for the respondent did not attend court. Neither had he filed any submission on behalf of the respondent as at that date. The court granted the respondent further indulgence to file his submissions, if any, on or before 31st July, 2009 whilst directing that failure to comply would mean that the issue of maintenance would be decided on the basis of the submissions filed by the petitioner. There has been no compliance.

In her submissions the petitioner has stated that she is a teacher earning a net salary of Kshs.20,408/- and that she would be willing to cater for the children's medical expenses, shelter, electricity, water and also bear half expenditure of food. She stated that her budget of food totals Kshs 8,000/-. She prays that the respondent be ordered to pay half expenditure for food and also cater for education needs of the subjects, that is to say, school fees and related expenses including but not limited to transport, uniforms, books and school trips. She stated also that since the children were now in her custody the family's motor vehicle Registration No. [.....] Toyota Corolla, be placed in her possession and use for the benefit of the children of the marriage.

I find that the petitioner's request is quite reasonable and merited. The respondent having chosen not to file any submissions as directed by the court, I grant the prayer for maintenance as stated in the petitioner's submissions dated 13th July, 2009.

Orders accordingly.

Dated signed and delivered at Nakuru this 5th day of August, 2009

M. G. MUGO

JUDGE