



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)  
Civil Suit 203 of 2005**

**RUTH SYOMBUA MUOKA (a minor suing thro' his father and next friend  
JUDAH MUOKA MUSAU)..... PLAINTIFF**

**VERSUS**

**KENYATTA NATIONAL HOSPITAL BOARD..... 1<sup>ST</sup> DEFENDANT**

**DR. MAKEWA..... 2<sup>ND</sup> DEFENDANT**

**DR. PAMELA OKELLO..... 3<sup>RD</sup> DEFENDANT**

**DR. NGA'NGA'..... 4<sup>TH</sup> DEFENDANT**

**RULING NO. 2**

**RELEASE OF FUNDS IN A FIXED DEPOSIT ACCOUNT HELD FOR A MINOR**

**DATED 20 JUNE 2008**

**I. Background.**

1. This court in its first ruling No.1 ordered that the funds held in a Fixed Deposit Account be disclosed to this court for purposes of ascertaining how much funds to be released to the applicants.

2. The advocate for the applicant claims Ksh.250,000/- be released. She has now put before me the balance of account from the bank. This is Kshs.300,000/-.

3. The application of 20 June 2008 states that the reasons for the accounts is that the child was admitted to

St. Peters Medical Clinic.

4. A bill has been incurred for bed charges and fees such as the lab and x-rays. The total sum of the bill on casual counting is Kshs.264,400/-.

5. The purpose of the money interest that may be withdrawn before the child is 18 years, is to provide for the up keep and maintenance of the child.

6. In this application I do not have a doctors report. These is no invoice to support the medical treatment.

7. I would require these further information but in the meantime I hereby order a release of Kshs.100,000/- to the applicant being for purpose of the minors upkeep.

8. I order that this matter be mentioned on

23<sup>rd</sup> September 2008 at 9.00am to obtain medical report and invoice from the hospital of treatment incurred.

9. Costs be in the cause

**DATED THIS 30<sup>TH</sup> DAY OF JULY 2008 AT NAIROBI**

**M.A. ANG'AWA**

**JUDGE**

G.W. Wambugu instructed by W. Wambugu & Co. Advocates for the plaintiff/applicant – decree holder.  
– present

W.Mwaura instructed by Mwaura Wachira & Co. Advocates for the defendant/Respondent – present