

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI

Civil Case 196 of 1996

JOHN PETER MUTUGU)

AGNES WANGECHI)

PLAINTIFFS

VERSUS

PUT SARAJEVO GENERAL ENGINEERING CO. .. DEFENDANT

RULING

The application before court is a chamber summons dated 11th September 2008. in this case judgment was entered for the plaintiff and after judgment was entered an order was made that funds be held for the minor children in a bank account. Their mother has approached this court for the review of the order made on 29th March 2007 that the court thereafter do order for the applicant their mother to receive interest on the minor's investment account held at housing Finace co ltd. In support of that application she deponed that she has found herself in very hard times financially and that she has been unable to provide for the minor children who rely on her. She said that she only requests for the interest due on the account to be released to her for the purpose of maintaining them. I have considered the application before and the affidavits sworn by the mother of the minor children. The very purpose for which money was held in an investment account was for it to earn interest for the benefit of the children. However there is no logic in having the investment growing whilst the children are in need in the present. I therefore find that the application is merited and grant the following orders: _

1. *That I do hereby review the order of this court of 29th March 2007.*
2. *That the court does authorize Agnes Wangechi to withdraw the interest which has accrued and which will accrue from time to time in the investment account held at Housing Finance Co Ltd on behalf of the minors Caroline Wanjiru, John Mutugu, Nancy Wairimu and Faith Wamaitha.*
3. *There shall be no orders as to costs.*

Dated and delivered at Nyeri this 22nd day of October 2008.

MARY KASANGO

JUDGE