

**IN THE HIGH COURT OF KENYA
AT MOMBASA**

CIVIL APPEAL NO. 147 OF 2002

**STEPHEN NYARINDO ONDIMU.....APPELLANT
V E R S U S
JOSCA OMWEBU.....RESPONDENT**

R U L I N G

The application dated 9/3/2004 seeks to set aside forthwith orders made by this court on 3/3/2004. On the grounds set out on the application it is clear that the person who was to comply with court order has at all times been abroad pursuing studies. So it is not possible for him to comply the order of maintenance issued by the Children's Court on 11/9/2002.

I am now satisfied that there are sufficient grounds to set aside my order made on 3/3/2004.

I therefore allow this application and grant orders sought with no order as to costs.

Dated this 16th day of July, 2004.

**JOYCE KHAMINWA
J U D G E**