

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL APPEAL NO. 86 OF 1999

SALIM SAID ISLAM MASHJERRYAPPELLANT
VERSUS
MUNIRA MBARAKRESPONDENT

R U L I N G:

I have read the Ruling given herein by Mrs. Khaminwa Commissioner of assize. On 22nd November, 1999 and understand its purport.

Mr. Oyoo Counsel for the Respondent husband in this application has argued that the payment was to be as Security for Stay. Mr. Abubaker for his wife says it was to be paid to the wife as mainland except that it was to be paid through court.

The Ruling said that the decided amount which in effect was arrears of maintenance was to be paid to court in instalment of 5,000/- p.m. "With advise to the respondent (wife) meaning that the wife was to be so advised so as to apply for the money to be released to her when paid. I understand the ruling to be expressing that.

Normally maintenance payments are not subject of Stay order for common knowledge basis that it is for maintenance life support. To interpret the order to be cognate within Mr. Oyoo's interpretation would be going contrary to his motion.

I grant that the applicant's wife is to be paid these arrears. When paid and I direct that all the paid amounts to date be paid to her (the wife) and the Deputy Registrar is accordingly directed.

Delivered at Mombasa this 21st day of December, 2001.

A.I. HAYANGA

.....
J U D G E

Read in the presence of