

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

MISC. APPL. NO. E033 OF 2021

OM.....APPLICANT

RULING

1. The applicant OM is married to GNK who has an account No. [...] at Co-operative Bank of Kenya. The couple married on 24th December 2009 and have three children. GNK was working in Kabul in Afghanistan as a senior consultant for [Particulars withheld] funded by the World Bank when he was kidnapped by unknown people. OM was informed about the kidnap on 18th June 2017. The family has not been able to reach or contact him since.

2. The applicant is a housewife and the children are in school. She needs upkeep for herself and the children, and fees for the children. She has come to this court for an order that she accesses the husband's account to meet these needs. One of the children suffers from cerebral palsy and requires constant medical attention.

3. A replying affidavit by Lucas Muthama, Legal Officer for the bank, indicated that they were willing to obey any court order that is made in the matter.

4. The applicant did not itemise her daily or monthly or termly needs for upkeep, medical or school fees. The court was not told how much the account holds.

5. Subject to how much the account holds, I authorise the applicant to withdraw Kshs. 300,000/= (Three Hundred Thousand Shillings only) from the account No. [...], and thereafter Kshs.100,000/= (One Hundred Thousand Shillings only) on 1st of each month, beginning 1st June 2021 until further orders of the court.

DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 6TH MAY 2021.

A.O. MUCHELULE

JUDGE