

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

FAMILY AND PROBATE DIVISION

MISC. APPLICATION NO. 125 OF 2019

AND

TMN.....APPLICANT

VERSUS

JMRESPONDENT

R U L I N G

1. Before court is an application pursuant to **Section 5(1)** of the **Judicature Act**, **Article 165** of the **Constitution** and **Section 3A** of the **Civil Procedure Act** seeking for this court to find that the Respondent **JM** has failed to obey the orders issued by the Children’s Court on 7th March 2017 and in so finding have the Respondent arrested and imprisonment for a term not exceeding 6 months.
2. On the 7th of March, 2019 R. O. Mbogo Principal Magistrate in Children’s Case No. 1420 of 2017 issued orders requiring that the Respondent do submit for a DNA test 30 days upon being reimbursed Kshs.12,750 by the Applicant.
3. There is evidence that a sum of Kshs.12,750 was reimbursed on the 13th March, 2019 to the Respondent through his counsel, but to date the Respondent has neglected and/failed to comply with the order.
4. The Respondent despite service failed to respond and the application remains unopposed. Consequently, this court grants prayers 2 and 3 of the application.
5. The Respondent having been found to be in contempt of the aforementioned order is hereby committed to 4 months imprisonment unless and until the contempt is purged.
6. Costs to the Applicant.

Dated and Delivered in Nairobi on this 5TH day of DECEMBER, 2019

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ALI-ARONI

JUDGE