



**REPUBLIC OF KENYA**

**HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**div cause 106 of 96[1]**

**ALICE WANGECI THUO.....PETITIONER**

**VERSUS**

**STANLEY THUO.....RESPONDENT**

**RULING**

When the marriage between these two parties was dissolved, the issue of maintenance was deferred.

The said issue was pleaded in the petition which succeeded at the instance of the petitioner, what remained was not, whether the respondent should pay maintenance but rather how much should be paid.

Both parties subsequently filed affidavits of means. At first it appeared to be the word of one party against the other. Both parties were given an opportunity to attend court and support their respective affidavits by viva voce evidence. The petitioner came. The respondent did not. I have the evidence of the petitioner on record. Both learned counsel also have made their respective submissions. I have noted all that. I watched the demeanour of the petitioner. I believe she was telling the truth. I also know that justice must look at both sides. and so, I have also addressed the contents of the respondent's affidavit. With all the material before me, I am able to order, which I hereby do, that the respondent shall pay to the petitioner a sum of kshs. 25,000/-(twenty five thousand) only per month as maintenance. This order shall take effect from 1st January, 1999. There shall be liberty to apply. Each party shall bear own costs. Orders accordingly.

**Dated and delivered at Nairobi this 17th day of December,1998.**

**A. MBOGHOLI MSAGHA**

**JUDGE**

**Ms. Wahome for petitioner**

**Ms. Kamuyu for Kibatia for respondent**