



REPUBLIC OF KENYA



SMK v AW (Divorce Cause E216 of 2023) [2023] KEMC 220 (KLR) (8 August 2023) (Ruling)

Neutral citation: [2023] KEMC 220 (KLR)

**REPUBLIC OF KENYA
IN THE MILIMANI COMMERCIAL CHIEF MAGISTRATE'S COURTS**

DIVORCE CAUSE E216 OF 2023

JP ADUKE, SRM

AUGUST 8, 2023

BETWEEN

SMK PETITIONER

AND

AW RESPONDENT

RULING

1. The Applicant moved this court on 2nd June 2023, by way of motion seeking orders for provision of spousal maintenance of Kshs. 120,000 per month.
2. The application is opposed. I have considered the submission on record and the affidavits thereto and note as follows. It is settled principle of law that litigation should come to an end. The petitioner will not suffer any real risk or prejudice.
3. The reasoning of the court in *WN v PB* [2013] eKLR cannot be emphasized enough: “The purpose of an award of alimony pending suit is to provide temporary support to a spouse so that she is not destitute for duration of the suit.” The purpose of alimony is not to provide a luxurious living to such spouse, nor is such an order made to allow a spouse to maintain the lavish lifestyle she may have enjoyed during the marriage. Alimony pendent lite is to provide basic sustenance to a wife pending the determination of the matrimonial cause.
4. On the strength of section 77 of the *Marriage Act* 2014, I allow the motion dated 02/06/2023 on these terms:
 1. The petitioner to pay the respondent spousal support of KES 45,000/- per month pending the hearing and determination of the divorce petition;
 2. No order on costs;

**ADUKE JEAL PRAXADES ATIENO
SENIOR RESIDENT MAGISTRATE.**



RULING DATED AND SIGNED THIS 8TH AUGUST 2023

In the presence of:

1. Court Assistant: Benjamin Kombe
2. Counsel for the Petitioner-
3. Counsel for the Respondent:

7th August 2023.

