



REPUBLIC OF KENYA

IN THE TONONOKACHILDREN'S MAGISTRATE'S COURT
AT MOMBASA

CHILDREN'S CASE NO. OF 2023.

MIRIAM OMAR MZEE..... *Plaintiff* }
against
NELSON GITAU GITHINJI..... *Defendant* }
TO: NELSON GITAU GITHINJI
0733203640
NAIROBI

WHEREAS the-above-named Plaintiff has instituted a suit against you upon the claim, the particulars of which are set out in the copy plaint with annexure hereto.

YOU ARE HEREBY REQUIRED within **15 (FIFTEEN)** days from the date of service hereof to enter an appearance in the said suit.

Should you fail to enter an appearance within the time mentioned above, the Plaintiff may proceed with the suit and judgement may be given in your absence.

Given and issued under my hand and the Seal of Court this.....
day of.....2023.

.....
Magistrate/Executive Officer,
or Officer appointed under O.I.V. rule 3(2)

IMPORTANT NOTICE

(1) You may appear in this suit by entering an appearance either personally, or by duly appointed advocate at **MOMBASA**. Appearance can be entered by filing with the Court Memo of Appearance (forms are obtained from Court at 30 cents each) in duplicate, showing the defendant's address for service. A copy of Memo of Appearance should also be sent to the Plaintiff or his advocate, if any.

You may enter an appearance through the Post by sending the following to the **TONONOKA CHILDREN'S COURT** Magistrate (Civil), P.O. 90140 MOMBASA.

Memorandum of Appearance and copy.

Notice of Appearance and a copy.

Two envelopes each sufficiently stamped; one addressed to the Plaintiff or his advocate at the address for service and the other addressed to yourself.

(a) This summons is valid for 12 months from the date of issue.

I have received copies of the summons and the plaint of this..... day of
..... 2023..... at o'clock.

.....
Signature of Recipient

REPUBLIC OF KENYA
IN THE TONONOKA CHILDREN'S COURT AT MOMBASA
CHILDREN'S CASE NO. OF 2023.

IN THE MATTER OF: MAHMOUD-MINOR

BETWEEN:

MIRIAM OMAR MZEE.....PLAINTIFF

VERSUS

NELSON GITAU GITHINJI.....DEFENDANT

PLAINT
(FAST TRACK)

- 1 The Plaintiff is an adult female of sound mind, residing in Mombasa in the Coast Region in the Republic of Kenya. The address for the purposes of serving this suit shall be in Mombasa. (0781403716)
- 2 The Defendant is an adult male of sound mind, residing in and working for gain in Nairobi within the Republic of Kenya. Service of summons shall be affected through the Plaintiff's arrangements. (0733203640)
- 3 At all material times, the parties herein were involved in an intimate relationship that culminated into the birth of one child.
- 4 The relationship between the parties herein was blessed with the child herein namely **MAHMOUD**, born on 5th June, 2022.
- 5 The Plaintiff avers that the Defendant has neglected his child and ignored, failed and/or refused to adequately provide for the same.
- 6 The Plaintiff avers that she is a hairdresser with very limited income hence she cannot fend for the child without the Defendant's support.
- 7 The Plaintiff is now forced to bring this matter to court as the Defendant refuses to co-operate with any manner of out-of-court settlement.
- 8 The child requires the following in terms of its maintenance while in the custody of the Plaintiff:-
 - Food & others (45,000/= p.m) Kshs 540,000per year
 - Rent (20,000/=p.m) Kshs 240,000 per year
 - Misc (5,000p.m) Kshs 60,000 per year
 - Diapers (3,200p.m) Kshs 38,400 per year

▪ Clothing Kshs 30,000 per year

TOTAL **KSh** Kshs 908,400 per year
75,700/- per month.

- 9 The Defendant should also make adequate contribution towards educational expenses incurred in respect of the said child, and to pay for additional expenses as and when the same may arise.
- 10 The Plaintiff avers that the Defendant has an obligation to meet the subsistence needs and all other needs of the child herein being the child's biological father.
- 11 There is no other suit pending in Court and there have been no previous proceedings between the parties herein concerning the same subject matter.
- 12 This Honourable Court has jurisdiction to determine this matter, the same being in respect of the rights and welfare of the child.

REASONS WHEREFORE the Plaintiff prays for judgement against the Defendant for:

- a) A declaration that the both the Plaintiff and the Defendant have equal parental responsibility for the issue herein namely **MAHMOUD** and an order giving that effect.
- b) Actual/Physical custody, care and control of the child do vest in the Plaintiff.
- c) An order requiring the Defendant to contribute Kshs. **75,700/=** per month for the maintenance in respect of the issue herein. The said sum to be remitted in the Plaintiff's account on/or before the 5th day of every month.
- d) The Defendant do pay the child's school fees and the school related expenses as required from time to time by the child's school when the same attains the school age.
- e) The Defendant do take a comprehensive medical cover for the child herein and furnish the Plaintiff with the relevant documents.
- f) An order requiring the Defendant to make adequate contribution towards additional educational expenses, as and when the same may arise.
- g) Costs of this suit and interests therein at court rates.
- h) Any other relief that this Honourable Court may deem fit.

DATED at Mombasa this ^{20th}.....day of December.....2023.



MIRIAM OMAR MZEE
THE PLAINTIFF



DRAWN & FILED BY: -
MIRIAM OMAR MZEE
0781403716
MOMBASA.

TO BE SERVED UPON: -
NELSON GITAU GITHINJI
0733203640
NAIROBI.

REPUBLIC OF KENYA
IN THE TONONOKA CHILDREN'S COURT AT MOMBASA
CHILDREN'S CASE NO. _____ OF 2023.

IN THE MATTER OF: MAHMOUD-MINOR

BETWEEN:

MIRIAM OMAR MZEE.....PLAINTIFF

VERSUS

NELSON GITAU GITHINJI.....DEFENDANT

VERIFYING AFFIDAVIT

I, **MIRIAM OMAR MZEE** a resident of Mombasa in the Coast Region of the Republic of Kenya, an adult female of sound mind hereby do most solemnly make and state as follows:-

1. **THAT** I am the Plaintiff herein and thus competent to swear this affidavit.
2. **THAT** I confirm that all the factual averments contained in this plaint are true and correct to the best of my knowledge, information and belief.
3. **THAT** there is no suit pending between me and the Defendant in respect of the cause of action herein.
4. **THAT** what is herein above stated is true to the best of my knowledge, belief and understanding.

SWORN by the said
MIRIAM OMAR MZEE
At ~~MOMBASA~~ this ^{20th} day of
~~December~~ 2023.

BEFORE ME:

COMMISSIONER FOR OATHS


.....
DEPONENT

DRAWN & FILED BY: -
MIRIAM OMAR MZEE
0781403716
MOMBASA.

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VERSUS

NELSON GITAU GITHINJI.....DEFENDANT

LIST OF WITNESS (ES)

1. THE PLAINTIFF.
2. ANY OTHER RELEVANT WITNESSES.

DATED at Mombasa this 20th day of December 2023.



DRAWN & FILED BY: -
MIRIAM OMAR MZEE
0781403716
MOMBASA.



MIRIAM OMAR MZEE
THE PLAINTIFF

TO BE SERVED UPON: -
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VERSUS

NELSON GITAU GITHINJI.....DEFENDANT

LIST OF DOCUMENT(S)

1. PLAINTIFF'S ID.
2. CHILD'S BIRTH NOTIFICATION.
3. ANY OTHER RELEVANT DOCUMENTS.

DATED at Mombasa this 20th day of December 2023.



DRAWN & FILED BY: -
MIRIAM OMAR MZEE
0781403716
MOMBASA.



MIRIAM OMAR MZEE
THE PLAINTIFF

TO BE SERVED UPON: -
NELSON GITAU GITHINJI
0733203640
NAIROBI.

Form 91

REPUBLIC OF COSTA RICA

FOR THE YEAR WITH EFFECTIVE REGISTRATION ACT (LAW 149)

ACKNOWLEDGEMENT OF BIRTH NOTIFICATION (OF THE PARENTS)

Number of AD

130114

01/20/20

1. NAME

First name	Maternal name	Father's name	Day	Month	Year

2. SEX

Male Female

3. PLACE OF BIRTH

City: San José

4. NAME OF WITNESSES

First name	Maternal name	Father's name

Signature of the parents: [Signature] Date: 01/20/20

I hereby declare that the information provided is true and correct.

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VERSUS

NELSON GITAU GITHINJI.....DEFENDANT

PLAINTIFF'S STATEMENT.

My names are **MIRIAM OMAR MZEE** and I wish to state as follows:-

I confirm that the Defendant and I are the parents of the child who are the suit subject.

I have taken this step of coming to court as the Defendant has refused to take care of his child yet he is capable of doing so.

I have tried to solve the problem to no success and therefore I ask the court to intervene so as to save my child.

DATED at Mombasa this 20th day of December 2023.



DRAWN & FILED BY: -
MIRIAM OMAR MZEE
0781403716
MOMBASA.



MIRIAM OMAR MZEE
THE PLAINTIFF

TO BE SERVED UPON: -
NELSON GITAU GITHINJI
0733203640
NAIROBI.