



REPUBLIC OF KENYA

IN THE SENIOR RESIDENT KADHI'S COURT AT MARSABIT

DIVORCE CASE NO. 49 OF 2019

SGKPETITIONER

VS

BMB (Administration Police

Constable, Personnel No. [...]).....RESPONDENT

EX PARTE JUDGEMENT

The applicant filed suit against the defendant who were legally married according to Islamic (Sharia) on 2nd July 2007 in Nairobi. The marriage was consummated with three children namely, ZB 11 years old, SB 6 years old lastly MB who is 8 months old. At first the marriage was good, till the defendant started changing gradually consuming alcohol, coming home late hours of the night, one time the defendant started becoming cruel to the petitioner. She finds life difficult to stay with the respondent. She started looking for ways to escape. She ran from the respondent matrimonial home in Mombasa to Marsabit where she stays with her brother who took the responsibility as the guardian.

On 20th August 2019, the petitioner filed a petition against the respondent who was duly served through the competent Court Process Server on

28th August 2019, at exactly 12.33pm whereby the respondent signed the summons to enter appearance, the Divorce petition and verifying affidavit therewith, after 15 days of the service, the petitioner accompanied with her brother and PW1 to enter – exparte hearing on 17th September 2019.

In their prayer the petitioner prays for the following:-

- 1) Payment of dowry
- 2) Dissolution of marriage
- 3) E allowance
- 4) Payment of all the expenses incurred by her brother since she left her matrimonial home.

CONCLUSION

The respondent is irresponsible, who cannot even take care of his children; since the petitioner left her matrimonial home after even being served through the competent Court Process Server he never thought of coming and tell the court the truth on his side of this case.

Therefore on hearing the complains raised against him the court has ordered the following:-

- 1) Dissolution of marriage: The marriage between the petitioner and the respondent has been dissolved.
- 2) The respondent to pay all the expenses incurred by the petitioner's brother, who took her responsibility as the guardian and took her children to private schools and pay the school fees plus other expenses which adds up to Kshs. 50,000/=, to confirm all this the petitioner brought all the receipt before the court as confirmation.
- 3) The respondent to pay the dowry (Mahr) of Kshs. 30,000/=, before the end of this month.

4) The respondent to pay maintenance of his children for the past two months which is Kshs. 20,000/= monthly. The respondent has to pay Kshs. 120,000/= in total.

Failure to adhere to above order he is liable to imprisonment for a period not less than six months.

Judgement delivered on 1st of October 2019, in the presence of:-

- The petitioner.
- C/A; Qabale

CC:-

- Respondent
- County Police Commander - Marsabit County
- County Police Commander - Mombasa County

HON. ADAN I. TULLU

SENIOR RESIDENT KADHI

MARSABIT LAW COURT