



REPUBLIC OF KENYA

IN THE KADHI'S COURT AT BUSIA

DICORCE CAUSE NO. KCDC/E001/2021

BETWEEN

WMW(F).....PETITIONER

VERSUS

IAA..... RESPONDENT

JUDGMENT

The Petitioner, Mrs. WMW a.k.a. F and the Respondent, Mr. IAA, both police officers, celebrated their marriage in accordance with Islamic customs on the 6th of December, 2008. The marriage ceremony was conducted in Webuye.

Both the Petitioner and the Respondent cohabited as husband and wife and during their marriage they were blessed with the following three issues:

1. JO, a son
2. JW, a son (deceased)
3. HG, a daughter

The Petitioner filed her petition on the 5th of February, 2021 and prayed that she be granted the following orders:

1. That the marriage between the Petitioner and Respondent be dissolved.
2. That custody of the issues of marriage be granted to the Petitioner.

The Petitioner's grounds for her petition being that the Respondent had abandoned her together with the issues of their marriage for a period of two and a half years. She stated that the Respondent has been abusing her throughout that period and as a result, the marriage has irrevocably broken down beyond salvation.

The Respondent was duly served. The matter came for hearing on the 3rd of June, 2021 and only the Petitioner appeared. The matter was heard *ex parte* and immediately after the Petitioner had completed giving her oral testimony, the Respondent appeared before the court. For the interest of justice, the court directed that both parties get another hearing date.

The matter came up for hearing on the morning of 7th of June 2021. Article 159 (2) (c) provides for alternative forms of dispute resolution and thus, the court advised the parties to first try to settle their case out of court.

The parties came back in the afternoon of the same date and stated that they both had agreed on the following issues:

1. That, the marriage between the Petitioner and the Respondent be dissolved.
2. That, actual/physical custody of the two issues of marriage be granted to the Petitioner.
3. That, legal custody of the two issues of marriage be granted to both the Petitioner and the Respondent.
4. That, the Respondent is hereby granted liberty to the access of the two children at reasonable times and that they spend their

school holidays with the Respondent.

5. That, the Respondent to provide a monthly Kenyan shilling, 10,000 towards the maintenance of the two issues of marriage.

6. That, the Petitioner and the Respondent each to provide 50 percent to the education of the two issues of marriage.

7. That, the Respondent, to release all the belongings of the Petitioner from the matrimonial home in Webuye: a fridge, word rope, utensil, clothes, beddings, children's bed, and clothes.

I therefore adopt the issues agreed upon between the Petitioner and the Respondent and do issue the following orders:

1. That, the marriage between the Petitioner and the Respondent is hereby dissolved.

2. That, actual/physical custody of the two issues of the marriage between the Petitioner and the Respondent is hereby granted to the Petitioner.

3. That, joint legal custody of the two issues of the marriage be between the Petitioner and the Respondent is hereby granted to both the Petitioner and the Respondent.

4. That, the Respondent is hereby granted liberty to the access of the two children at reasonable times and that they spend their school holidays with the Respondent.

5. That, the Respondent to provide a monthly Kenyan shilling, 10,000 towards the maintenance of the two issues of marriage.

6. That, both the Petitioner and the Respondent each to provide 50% towards the education of the two issues of the marriage.

7. That, the Respondent to release all the belongings of the Petitioner which are in his possession.

8. That, no order as to costs.

IT IS HEREBY ORDERED.

DATED, DELIVERED AND SIGNED AT BUSIA THIS 23RD DAY OF JUNE 2021

IDRIS N. NYABOGA

SENIOR RESIDENT KADHI

IN THE PRESENCE OF;

Mohamed: Court Assistant