



REPUBLIC OF KENYA

IN THE KADHI'S COURT AT KERICHO

DIVORCE CASE NO.1 OF 2018

HSACLAIMANT

VRS

AJD.....RESPONDENT

JUDGMENT

1. This is a divorce and children maintenance matter. The claimant prays for judgment against the respondent for:

- The respondent to take responsibility of his children.
- Dissolution of marriage and be issued with a divorce certificate.

2. The respondent was served with plaint and summons to enter appearance. He refused to sign the notice to summons.

3. Affidavit of services has been filled by one Benard Obiero.

4. The parties were married under Islamic Law in April 2004 at Kericho. They were blessed with two issues.

5. The Claimant, in her evidence testified, the respondent became abusive and violent and abandoned his family seven years ago. She fled to Eldoret where she lived with her mother.

The respondent has never taken care of his children for more than seven years.

6. The desertion of respondent to his family for seven years offends the objectives of marriages and violates the claimant right to a fruitful marital life.

7. The responsibility of upbringing children is a shared responsibility under Children Act.

8. The objectives of marriage in Islam are for spouses to enjoy love, affection, mercy and tranquility. "And of His sign is that He has created for you from yourselves mates that you may find tranquility in them; and He placed between you affection. Indeed in that are signs for people who give thought." Rum 30:21

9. Article 88 of the Islamic Charter on family provide:

It is the wife's right to request divorce if her husband refuses to provide financial support for his wife or if is absent for along time and there was no news from him or if he is lost or imprisoned for a long period of time and does not have any apparent wealth from which she can spend, she may request divorce if she is harmed by his absence from her, and this right is subject to the regulations and stipulations mentioned in the rulings of Shanah.

10.The claimant has been living and caring for the children.

11. I hereby grant the claimant prayer for dissolution of marriage. The parties' marriage is hereby pronounced and declared dissolved with effect from 16th April 2017, corresponding with 29th Rajab, 1439.

12. The custody of the children is hereby granted to the claimant.

13. Cost of the Suit to the claimant.

Dated at Kericho on 16th April 2018

M. MOHAMED SAMBU

RESIDENT KADHI

IN THE PRESENCE OF:

- Mr. Ahmed Abdi Court Assistant

- Claimant representative