



**REPUBLIC OF KENYA**

**IN THE SENIOR RESIDENT KADHI'S COURT AT MARSABIT**

**CIVIL CASE NO. 36 OF 2019**

**MWW.....PETITIONER**

**VS**

**AHG.....RESPONDENT**

**RULING**

- a) The above case, petitioner prays for that the defendant neglects him
- b) For desertion
- c) disobedience

The petitioner in her defence refutes that he has never at any given time failed to do any duty as a married with my husband. In paragraph three of the defence, the defendant refuses that she is always obedient to her husband, what she also complains against husband that the petitioner wasted her the respondent money, it was difficult for him to meet to his children's needs (basic), the respondents states in her affidavit that our house is falling, she is fearing in a house. The respondent also states in her affidavit that she is running up and down to meet basic needs of her children where the petitioner is naïve to do his responsibility.

**BACKGROUND**

The petitioner is complaining about his wife that she is disobeying him in many occasions especially when he was hospitalized she has never come and give sorry for him, another occasion is that when he was discharged from the hospital she hasn't cooked for him the food that is meant for a sick person. The respondent is refuting all those are allegations against her.

**CONCLUSIONS**

It is the responsibility of the husband to take care of his wife as Almighty Allah states clearly in the Holy Quran telling men that it is there responsibility to take care of women, the court found that the parties no longer stays together as wife and husband.

**CONCLUSIONS**

- 1) The marriage between the plaintiff and defendants be dissolved, and the parties to be issued with the divorce certificate.
- 2) Since the defendant requested for divorce she has to forfeit her dowry.
- 3) The parties have almost three months to reconcile.
- 4) Since all children are above the age of puberty, they can still under the custody of their father.
- 5) All the assets which are under the custody of the respondents should remain hers, the same applies to the petitioner.

Given under my hand and seal of this court on the 16<sup>th</sup> September 2019.

Ruling delivered on 16<sup>th</sup> day of September 2019, before Hon. Adan I Tullu,

In the presence of:-

1. Plaintiff

2. Defendant

CC: Tume

**HON. ADAN I. TULLU**

**SENIOR RESIDENT KADHI**

**MARSABIT LAW COURT**