

REPUBLIC OF KENYA

IN THE KADHI'S COURT AT MOYALE

DIVORCE CAUSE NO. 22 OF 2019

NAA.....PETITIONER

-VS-

MM.....RESPONDENT

RULING

1. The petitioner in this Divorce cause is one NAA (hereinafter the petitioner). She filed her petition dated 16th may, 2019 against one MM (hereinafter the respondent) where she prays for;

a) Dissolution of marriage

2. The petition as well as notice of appearance were both served through substituted service since the Respondent where about is not known vide the entire kadhi's courts in the Republic of Kenya.

3. No entry of appearance and filing of Answer to petition was effected within the requisite period. When the matter was called for mention the respondent again failed to appear before the court, notwithstanding his absence the court went ahead and issued a notice of hearing.

4. When the file was called for hearing on 2nd sep 2019 only the petitioner attended the court, the matter proceeded by way of undefended cause .

5. The Petitioner told the Court that she is a resident of Moyale subcounty of Marsabit county. She got married to the respondent in the year 2016 under Islamic Law,their marriage was not blessed with any issue.

6. The petitioner from her uncontroverted testimony testified that the respondent has been treating her in the manner which is not expected to be meted out from a spouse to another spouse in marriage by dessert her for period of three years.

7. PW1 further testified that the Respondent does not maintain Petitioner and that all efforts to reconcile/redeem their marriage have been grossly and contemptuously disregarded by the respondent.

8. In the premises, the petitioner contended her marriage to the respondent has irreparably and irretrievably broken down and should be dissolved and she be granted the divorce certificate.

9. Having considered the evidence adduced before me, the evidence was not challenged . I am satisfied that the petitioner has not in any manner whatsoever contributed to the breakdown of the marriage.

10. I am also satisfied that the respondent has without a justifiable cause failed to fulfill the standard ordained by God – A duty to maintain his wife.

11. I therefore find and hold that the marriage between the Petitioner and the Respondent has irretrievably broken down. The marriage, the subject matter of these proceedings is accordingly hereby dissolved. Divorce Certificate shall be issued forthwith.

Dated , Delivered and Signed at Moyale this 16th day of Sep, 2019.

Hon. A. D. WAKO

SENIOR RESDINT KADHI.