



REPUBLIC OF KENYA

IN THE KADHIS COURT AT GARSEN

DIVORCE CASE NO 18 OF 2018

SBH.....APPLICANT

VERSUS

AF.....RESPONDENT

JUDGEMENT

This divorce matter was decided on 19th JULY 2018 the applicant prayed for:

- 1- Dissolution of marriage.
- 2- Payment of dowry (4 cows)

The Proceedings of this suit proceeded ex parte. The applicant alleged that the respondent has been very irresponsible failed to provide home maintenance .The applicant sought that the respondent deserted the matrimonial home for over 4 years and has not turned back nor communicated to his wife and his family They were not blessed with any issue. for this reason She decided to file this case before this court. She views that this marriage has lost meaning and failed.

To support the issue the applicant availed one witness who testified confirming the applicant’s claim namely : MD and AH respondent’s father They certified that what the applicant said is the truth. In addition they tried to find him but their effort bore no fruits .

The applicant produced letter from area chief shows that the chief area know the Issue clearly, on his side he tried to reach out to her husband to solve the problem but it didn't work and lastly he direct her to come to this Honorable Court.

I have noted the issue clearly and I found that the respondent failed to appear before this court. Upon hearing, applicant herein the matters to be determined are:

- (a) Is the honorable court entitled to dissolve the marriage as per applicant's prayers?
- (b) Is the plaintiff entitled to dowry of 15K?

returning to issue(a) It is clear to this court that The view of the evidence adduced by the applicant it is evident that this marriage is not worthily according to the Holy Quran and the Hadith of prophet SWALLAH ALLAHU ALLYHE WASALLAM .Allah saying in the holy al Qur’an surat arum verses 21(Among His proofs is that He created for you spouses from among yourselves, in order to have tranquility and contentment with each other, and He placed in your hearts love and care towards your spouses. In this, there are sufficient proofs for people who think.)

Back to issue, (b) Payment of the dowry 2 heads of cows. According to Islamic law, the husband to pay dowry as per consent between them about it as clearly in 4/4 (And give women their dowries as a free gift. But if they of themselves be pleased to give you a portion thereof, consume it with enjoyment and pleasure) But unfortunately the respondent has not yet paid full.

On this basis I hereby order that:

- 1- This marriage is hereby dissolved as requested by the applicant.
- 2- That the applicant should wait for eddah period of three months starting from today 30th AUGUST 2018.
- 3- It is compulsory for the respondent to pay (2 cows) as the applicant agreed on it instead of 4 cows.

This is orders of this court

R/A 30 days

Delivered in court this 30th day of August 2018

MURSAL M SIZI KADHI

in the presence of

Court assistant Guracho Abdallah

Plaintiff