



**REPUBLIC OF KENYA**

**IN THE KADHIS COURT AT GARSEN**

**DIVORCE CASE NO 39 OF 2017**

**FAA.....PLAINTIFF**

**VERSUS**

**RAD.....RESPONDENT**

**JUDGEMENT**

This divorce matter was decided on 8th August, 2017.

The plaintiff prayed for:

- 1-Dissolution of marriage
- 2- The dowry to be granted to her
- 3- Pay all the outstanding bills.

The plaintiff claims that, her life with the respondent has never been a bed of roses as he has been very cruel, abusive, assaulting and threatening her with a knife.

The respondent has been very irresponsible, that he never provides home maintenance, electricity and water bills. This reason caused her to leave her matrimonial home.

To support the issue, the applicant availed two witnesses namely :

Aisha Issa Abdurahman and fartuom.

P W 1 said that, "The applicant was taking food staffs from her shop as a debt on the basis that her husband will pay back. And the total amount was KSh.3500. she told her husband about the debt, but he refused to pay back and at last her brother paid it."

PW2 said that, "The tenants are sharing the electricity and water bills and the applicant is one of them. It is more than 6 months that he failed to contribute on his part. The total amount is KSh.3600 and this has become a debt on his side."

On the other hand the respondent denied petitioner's allegations and stated that he has been responsible by providing home maintenance. Concerning the bills of electricity and water, he pays the rent of the house monthly and he knows that the rent also includes the electricity and water bills.

The respondent availed two witnesses namely :

MA and AT.

DW1 and DW2 stated that the couples are their relatives. They said that they have tried to resolve the dispute several times with other elders, but they did not succeed. They remembered that last time the applicant's brother decided to pay three cows and KSh.60000 in order to secure his sister's divorce but this didn't happen. The big problem is on the applicant who left her matrimonial home and travelled to Nairobi.

I have noted the issue clearly and I found that the applicant was willing to forfeit her dowry in order to secure her divorce. That is permissible according to Islamic shariah, clearly stated in chapter 2, verse 222.

Concerning the electricity bill, the respondent was not aware that the electricity bill is not included in the rent.

Concerning the water bill and food payment, the evidence availed by PW1 and PW2, showed that the applicant has a debt on her side.

On this basis I hereby order that:

1. This marriage has dissolved on khulu ground and the applicant should wait for eddah period of one month.
2. Divorce certificate to be issued today.
3. The respondent to pay back KSh.3600 for electricity and water bills .
4. The applicant should pay for the divorce certificate .

Read and delivered this..24th...day of JULY..2017 in the presence

1. presence of

MURSAL . M. SIZI - KADHI 11

2. Court Assistant -