



REPUBLIC OF KENYA

IN THE KADHIS COURT AT GARSEN

DIVORCE CASE NO 42OF 2017

MS.....APPLICANT

VS

AH.....RESPODENT

JUDGEMENT

In this divorce cause dated 10th JULY 2017 the plaintiff prayed for:

- 1- Dissolution of the marriage.
- 2- Custody of the children be granted to the Respondent.

The applicant sought that her life with the respondent has never been a bed of roses as he has been very cruel abusive assaulting her. The plaintiff said that the respondent not yet pay dowry. In addition to that He divorced her three talakas in the presence of witness, but now is dining. She is requesting the court to be granted her divorce and the divorce certificate to be issued.

The applicant availed two witnesses one of them refused to appear before this court.

PW1 Makorani Wachu Bajaro stated that he knows the couple one day they visited him at his house, The respondent divorced his wife before him and the witness advised him to divorce her in the prance of her parents.

On the other hand the respondent denied all applicants allegation saying that the applicant divorced him. The respondent wanted to know if the applicant has a right to divorce him. The respondent sought that he still need his wife requesting this court to convince her to come back.

Upon hearing both parties herein and the witness produced by the applicant the matters to be determined are:

- (a)Is the honorable court entitled to dissolve the marriage as per plaintiff's prayers?
- (b) Custody and maintenance of the children.

Returning to issue (a) whether this court can dissolve the marriage as per plaintiff's prayers? It is clear to this court that the evidence adduced by the applicant has proved that the respondent has divorced applicant in the presences of the witness as clearly in the proceeding.

- (b) Custody and maintenance of the children.

A spar now the children are under the care of their father and therefore let them remain there.

On this basis I hereby order that:

- 1- It is compulsory for the respondent to pay ksh 3000/= as the dowry within 3 months from today 5th September 2017.
- 2- Divorce certificate to be issued today 5th September 2017.
- 3- Custody of the children is given to the respondent and the applicant shall have reasonable access to them.

These are orders of this court.

R/ A -30 days. Read and delivered this 5th day of September 2017, in the presence of :

MURSAL .M .SIZI- KADHI 11

Court Assistant – Guracho Abdillah

Applicant

Respondent