



REPUBLIC OF KENYA

IN THE KADHIS COURT AT WAJIR

DIVORCE CASE NO 51 OF 2016

AAA.....APPLICANT

AA.....1st RESPONDENT

FM.....2nd RESPONDENT

JUDGEMENT

This civil case was decided on 7th March 2016 the plaintiff prayed for:

The judgment to be issued against the defendants for:

- a) 1st defendant to return to her matrimonial home .
- b) The 2nd defendant to pay for the damages .

The plaintiff sought that He became sick and was operated at Kenyatta hospital and the 1st defendant took advantage of his sickness to get marriage.

The applicant never divorced her and the 1st defendant now is four months pregnant.

Looking the side of 1st defendant She claimed that: the applicant divorced her on 5/12/2014 she produced the letter written by applicant . She aver that she is pregnant of four months for 2nd respondent which married lawfully.

The 1st defendant sought that the 2nd respondent has divorced her because of the applicant interfering in their marital life.

The 1st respondent prayed for:

- a) Payment for dowry of 2 heifers of 2 years and issue of divorce certificate.
- b) custody of the child and maintenance.

On the other said the 2nd respondent accepted that He has divorced the 1st defendant and she is pregnant of four months for him. The 2nd defendant agreed to pay 15000/= to 1st respondent until delivered. Then He will pay 10000/= for maintenance of child.

I have noted the issue clearly and I found that the applicant has divorced the 1st respondent before she married by 2nd respondent . Addition to that the applicant agreed on that he didn't pay the dowry. as clearly in the proceeding.

on this basis I hereby order that:

- 1- Divorce certificates to be issued on 17 March 2016.
- 2- that the 1st respondent should wait for the eddah until delivered.
- 3- It is compulsory for the applicant to pay payment of dowry of 2 heifers of 2 years within 30 days from today.
- 4- custody of the child is given to the 1st respondent and the applicant shall have reasonable access to him.

5- It is compulsory for the applicant to pay ksh. 10,000/= as maintenance for his child monthly effect from **30 march** 2016.

6- The 2nd respondent to pay 15000/= monthly effect from **30 march** 2016.

7- The 2nd respondent will be paid 10000/= after the 1st respondent deliver .

This are orders of this court.

R/A 30 days

delivered in court is 17th day of March 2016 in the presence of

Mursal M Sizi kadhi

Court assistant Fatmah Mahmud

plaintiff