



**REPUBLIC OF KENYA**

**IN THE KADHIS COURT AT WAJIR**

**DIVORCE CASE NO 127 OF 2016**

**1. ZAO.....APPLICANT**

**VERSES**

**2. AAH.....RESPONDENT**

In this divorce cause dated 18th JUL 2016 the petitioner prayed for :

- 1- Dissolution of the marriage .
- 2- Payment of dowry.
- 2- maintenance .
- 3- custody of the children be granted to the applicant .

The applicant claim that : their marriage was blessed with one child namely J 9 months old.

The plaintiff claims were that :confirms that her life with the respondent has never been a bed of roses as he has been very cruel abusive assaulting her in presence of his mother for this reason the applicant decided to leave her matrimonial home.

The petitioner availed 3 witnesses .namely (1) ZZ

(2) N (3) FA they testified confirming the petitioner's claim concerning the issue Stressing that what the applicant said was the true .

On the other hand the respondent sought that : he disagree with his wife and he was not ready to divorce her because He still love her. According to Islamic jurisprudence (??? ?????? ??? ? ? ? ? ? ? ? ? ? ?) meaning : it better to prevent a problem than to expect a good on this basis the view of the evidence adduced by the applicant it is evident that this marriage is not worthily according the Holy Quran and .the hadith of prophet s.a.w

I have noted that the applicant willing to forfeit her dowry in order to secure divorce that is permissible according to Islamic law as clearly in cherbter 2 vers 22 . On this basis I hereby dissolve this marriage on khului ground on condition that:

- 1- The applicant to wait for eddah peirod of one month .
- 2- divorce certificate to be issued 12th September 2016.
- 3- custody of the children is given to the plaintiff and the respondent shall have reasonable access to them.
- 4- It is compulsory for the respondent to pay kshs. 3000/= as maintenance for his child monthly effect from 5th SEPTEMBER 2016.

These are orders of this court.

R/A 30 days

delivered this on 11 th August 2016

in the present:

Mursal M Sizi Kadhi

C/A Ganyure