



REPUBLIC OF KENYA

IN THE KADHIS COURT AT KISUMU

DIVORCE CASE NO 3 OF 2015

MSN.....APPLICANT

V

NFR.....RESPONDENT

JUDGEMENT

On 16th day of March 2015 the plaintiff herein one MS of id number 29613419 filed a plaint against the defendant one NF seeking from this honorable court for:

1- Divorce

2- The Defendant to return the plaintiff's property which she collected with the help of her father.

The court records shows that, the defendant was served on 24th March 2014. The parties entered into their marriage on 28th day of December 2013 at the respondent's home they have not taken the marriage certificate and the dowry was 30000/ He paid 20000/ having balance of ksh 10000/= The parties were not blessed with any issue in their marriage.

On hearing The Applicant complained that the respondent left her matrimonial house on the 26 December 2014 without permission from him when he went for Friday prayers. They had not disagree or problem between them The respondent further stated that he called her late in the evening she was at place called Kasule but did not disclose what she was doing there he advised her not to come back home that night because it was already late and it was not safe for her .

The plaintiff said that: the respondent's father called and told him that He was coming to pick his daughter he came with his two sons and said that the 20000/= paid for dowry by plaintiff already in the toilet they carried everything , After same days the respondent came back in his absence with her father and took his television.

On the other side the respondent denied all allegations and told this court that since they married they have not been happy she has talked to him severally but in vain. She has a problem with his sister and his mother.

The respondent alleged that the applicant did not buy anything all utensils are all given on their wedding she collecting her things because they were not getting a solution addition to that the applicant accepted to take care of her child but he has not done so.

She prayed for: the issue to be solved reasonable.

I have noted the issue deeply and found that, what had been done by respondent's father Was not wise is contrary to Islamic teachings the general evidence shows that parents must be wise as is the saying of Allah (and if you fear dissension between the two send an arbitrator from his people and arbitrator from her people).anisa 35.

Nb The respondent has not entitled to edda maintenance because for her Disobedience as she left her matrimonial house without permission from the Applicant

Upon hearing the petitioner herein the matters to be determine are:

(a) is the honorable court entitled to dissolve the marriage as per petitioner's prayers?

(b) who is the owner of the matrimonial property?

Returning to issue (a) is the honorable court entitled to dissolve the marriage as per petitioner's prayers 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 s.a.w.

Back to issue(b) who is the owner of the matrimonial property? it is clear to this court that the receipt bought herein by the applicant evident that the television belong to him concerning the utensil the parties herein failed to prove the owner of them. it is the duty of this court to determine on it.

on this basis I hereby order that:

- 1- This marriage is hereby dissolved as requested by the petitioner.
- 2- That the Respondent should wait for the eddah period of three months starting from today 23rd APRIL 2015 TO 24th July 2015.
- 3 - It is compulsory for the applicant to pay ksh 10000/= as the dowry within 60 days from today 3rd December 2014.
- 4- The Respondent should b return back the television to the within 5 days from now.
- 5- Divorce certificate to be issued.

remaining utensil shall remind with the respondent.

These are orders of this court.

R/A 30 days

delivered in court in the presence of:

Mursal m sizi kadhi

Rehema Akidah c/clerk

plaintiff

respondent

23/4/2015