



REPUBLIC OF KENYA
IN THE KADHI'S COURT AT NAIROBI
MLIMANI COMMERCIAL COURTS
DIVORCE CAUSE NO. 29 OF 2015

N H I.....PETITIONER

VERSUS

A G A.....RESPONDENT

JUDGEMENT

The petitioner in this Divorce cause is one N H I (herein after the petitioner). she filed her petition dated 26th February, 2015 and received in this Court on the same day against one A G A (herein after the respondent) where she prays for;

- a. Dissolution of marriage
- b. Divorce certificate.

The petition as well as notice of appearance were both served on the Respondent vide the Affidavit of service, sworn on the 27th October, 2015 by one Philip Muthoka a duly authorized process server.

No entry of appearance and filing of Answer to petition was effected within the requisite period. When the matter was called for mention the respondent again failed to appear before the court, notwithstanding his absence the court went ahead and ordered the petitioner to serve them with a notice of hearing.

The return of service traced on the file reveals that a process server deponed a R/S on 9th November 2015 , to effect that he had duly served the respondents .

When the file was called for hearing on 10th November 2015 only the petitioner attended the court and matter proceeded by way of undefended cause.

The Petitioner told the Court that she is a resident of Nairobi. She got married to the respondent in year 2005 under Islamic Law.

Their marriage was blessed with three issues namely;-

1. Y A - 9 years.

2. J A - 7 years.

3. A A - 2 years.

The petitioner from her uncontroverted testimony testified that the respondent has been treating her in the manner which is not expected to be meted out from a spouse to another spouse in marriage.

She further testified that the respondent does not maintain her and the issue and that all efforts to reconcile/redeem their marriage have been grossly and contemptuously disregarded by the respondent

In the premises, the petitioner contended her marriage to the respondent has irreparably and irretrievably broken down and should be dissolved and she be granted the divorce certificate.

Having considered the evidence adduced before me, the evidence was not challenged . I am satisfied that the petitioner has not in any manner whatsoever contributed to the breakdown of the marriage.

I am also satisfied that the respondent has without a justifiable cause failed to fulfill the standard ordained by God – A duty to maintain his wife and child.

I therefore find and hold that the marriage between the Petitioner and the Respondent has irretrievably broken down. The marriage, the subject matter of these proceedings is accordingly hereby dissolved. Divorce Certificate shall be issued forthwith. No order as to costs

It is so ordered.

Dated, Signed and Delivered in Nairobi this 10th day of November, 2015.

Hon. A.I. Hussein

Kadhi II