



REPUBLIC OF KENYA
IN THE KADHIS COURT AT KISUMU
DIVORCE CASE NO 27 OF 2014
S S APPLICANT
VS
M S.....RESPONENT

JUDGEMENT

In this divorce cause dated 4th Feb. 2014 the petitioner prayed for:

- 1- Dissolution of marriage
- 2-Custody and maintenance of the children
- 3-Dowry(furniture)

The Proceeding of this suit proceed ex parte the applicant sought that: the respondent deserted his family since 20th September 2013 till now . She has been forced to work extra hard to put food on the table for her three children . in addition on that the respondent has denied her conjugal rights for lengthy periods .

The petitioner alleged that the respondent has refused to divorce her doesn't sent any masruf and doesn't even call to know how his family is doing .

upon hearing the petitioner herein the mater to be determine are (a) is the honorable court entitled to dissolve the marriage as per petitioner's prayers?

b) Custody and maintenance of the children 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 petitioner asked her divorce and the respondent refused to divorce her as clearly in the petition in addition on that the respondent has been irresponsible till now . 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 is1662 evident that this marriage is not worthily according the Holy Quran and the hadith of prophet s.a.w

Back to issue(b) Custody and maintenance of the children the Islamic sharia - has ordered that the custody of the children is responsibility of the mother if the husband pays the maintenance for her and his children. as clear in the holy Qur'an chapter 2 verse 233(upon the father is mothers' provision and their clothing according to what is acceptable) on this basis I hereby order that:

- 1- that the applicant should wait for the eddah period of three months
- 2- Divorce certificate to be issued on 12th august 2014
- 3- custody of the children is given to the plaintiff and the respondent shall have access to them.
- 4- It is compulsory for the respondent to pay ksh 6000/= as maintenance for his children monthly effect from may 2014 .

these are orders of this court

R/A 30 days

delivered in court is 12th day of may 2014 in the presence of

Mursal M Sizi kadhi

Rehema Akidah c/clerk

plaintiff