



REPUBLIC OF KENYA

IN THE KADHIS COURT AT KISUMU

DIVORCE CASE NO 26 OF 2014

AAR..... PLAINTIFF

VS

AHA.....RESPONDENT

JUDGEMENT

This divorce matter was filed on 19th August 2014 the plaintiff prayed for:

1-divorce.

2- payment of the dowry in installment

The plaintiff complained that: their marriage has taken only one month but the respondent had started communicating with her ex boyfriends. In addition on that the respondent neither respect the plaintiff nor his parent.

The plaintiff alleged that the respondent used to send obscene messages to her previous boyfriend even after knowing that she is already married and ought to respect her marriage. On this basis he does not trust her .

On the other hand the respondent agreed the plaintiff 's allegations .In particular she agreed that she was communicating with her ex boyfriends namely parish but lastly she told him that she was married and she didn't want to continue with the relationship with him. then she apologized but the plaintiff refused.

To support the matter the plaintiff availed one witness namely adam who testified confirming the petitioner's claim in respect of the issue as the respondent availed one witness namely hamida hasan who testified confirming the defendant's claim .

I have noted the matter clearly and I found that the respondent was divorced by the plaintiff on 12th august 2014.and there is dispute on home properties .The D W 1 alleged that the plaintiff's father promised to buy all that needed in the respondent house.

P W 1 is the father of the plaintiff denied the claim that he had promised to buy furniture but instead that he had promised to buy utensils for the defendant.

upon hearing both parties herein and their witnesses the matters to be determined are :

- (a) Is the honorable court entitled to dissolve the marriage as per plaintiff's prayers.?
- (b) is the respondent entitled to pay 60000 thousand as balance of her dowry.
- (c)Is the respondent entitled to edda maintenance ?
- (d) who is owner of the furniture?

Returning to issue (a) It is clear to this court that the respondent was divorced by the plaintiff on 27th august 2014.

Referring to issue(b) According to Islamic law the respondent entitled to be paid balance of dowry totally 60000 as stated in the holy Quran chapter 4 verse 4 (and give the woman upon marriage their bridal graciously)

Back to issue (d) . According to Islamic jurisprudence the plaintiff is entitled to eddah maintenance if the husband divorces her as clearly stated in the holy Quran chapter 65 verse 7(let man of wealth spend from his wealth, and he whose provision is restricted let him spend from what Allah has given him)

Referring to issue(e) The properties which the defendant is claiming (bed mattress TV sheets and dressing) belong to the plaintiff because she did not produced any document to proof her claim the furniture was given to her as present by the plaintiffs sitters.

On this basis I hereby order that:

1- this marriage is dissolved by the plaintiff.

2- that the applicant should wait for the eddah period of three months from 20 UGUST 2014 to 21 November 2014.

3- Divorce certificate to be issued on 21st November 2014 .

4-The plaintiff to pay ksh. 60000/= in installments of 7500 monthly through this court.

5-The plaintiff to pay the respondent Ksh. 27000/= as eddah maintenance after completing payment of the dowry in installments of 7500 monthly through this court . .

6-couserning property status quo to remain ..

7- the plaintiff to identify a doctor and take the defendant for pregnancy test immediately and file the result .

these are orders of this court.

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R/ A -30 days.

Read and delivered this...21st day of AUGUST, 2014 in the presence of;

Mursal.M.Sizi-----kadhi

court Assistant-----Rehema Akidah

- petitioner.

- respondent