



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 260 OF 2013**

**HDN.....PETITIONER**

**VERSUS**

**KWW.....RESPONDENT**

**JUDGMENT**

1. The petitioner HDN. and the respondent KWW got married on 2<sup>nd</sup> September 2009 at the Attorney General's Office in Nairobi. They lived together and cohabited in Nairobi until 23<sup>rd</sup> March 2013 when they separated. They have one child who was born on 9<sup>th</sup> December 2008.
2. On 9<sup>th</sup> December 2013 the petitioner filed this petition seeking the dissolution of the marriage on grounds of adultery, cruelty, neglect and desertion. She pleaded that, because of these the marriage had irretrievable broken down.
3. The respondent filed answer to the petition, and cross-petitioned for divorce alleging adultery, lack of conjugal rights and cruelty. The fact that the parties had differences that could not be reconciled was admitted.
4. Both the petitioner and the respondent testified before the Court today. Each informed the court that they have since 2013 lived apart, have not had any sexual relationship since and can no longer live together as a married couple.
5. I accept their evidence. The couple has lived separately since 2013. The parties have no sexual relationship. On the basis that the marriage has broken down beyond repair, I grant the petition and the cross-petition. I hereby dissolve the marriage between the petitioner and the respondent. Decree *nisi* and absolute shall issue immediately.
6. Each party shall bear their own costs on the petition and cross-petition.

**DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 27TH MAY 2021.**

**A.O. MUCHELULE**

**JUDGE**