

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUSIA

DIVORCE CAUSE NO. 1 OF 2017

MAO.....PETITIONER

VERSUS

MJO.....RESPONDENT

JUDGMENT

1. The petitioner and the respondent in this matrimonial cause contracted their marriage under the Luhya customary law in the year 2008. The duo separated in the year 2017.
2. In her petition, the petitioner pleaded cruelty and creation of division between their two children by the respondent.
3. The respondent denied the allegations and in his cross petition accused the petitioner of desertion and cruelty.
4. At the time of hearing it was noted that this divorce cause ought to have been filed in the magistrates' court but the parties were keen to have the same finalized.
5. The couple has been separated for three years now. The separation and the issues each raised against the other is a clear indication that their marriage has irredeemably broken down.
6. I accordingly allow the divorce. Decree nisi to issue. Each party to shoulder own costs. Right of appeal within 30 days.

DELIVERED AND SIGNED AT BUSIA THIS 22ND DAY OF JULY 2020

KIARIE WAWERU KIARIE

JUDGE