

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 54 OF 2008

DO.....PETITIONER

VERSUS

MNO.....RESPONDENT

JUDGMENT

1. The petitioner DO and the respondent MNO are husband and wife having got married on 22nd August 2003 at the Registrar's Office in Nairobi.
2. The marriage was blessed with two children, SAO and AOO.
3. On 15th May 2008 the petitioner filed this cause seeking the dissolution of the marriage on grounds of cruelty and that the marriage had broken down irretrievably.
4. The respondent filed a relying and cross-petition for divorce on 10th June 2009. She denied the allegations of cruelty, but agreed that the marriage had broken down irretrievably. She sought divorce on the grounds of cruelty and adultery.
5. When the parties testified before me today, it was clear that they have lived apart since 2005 and have not related intimately since. Each informed the court that marriage has broken down beyond repair. I accept their evidence.
6. On the ground that the couple has lived separately since 2005, without any intimate relationship, and that, therefore, the marriage has irretrievably broken down, I allow both the petition and the cross-petition. The marriage between the petitioner and the respondent is hereby dissolved. Decree *nisi* and decree absolute shall issue immediately.
7. Each party shall bear own costs.

DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 17TH DAY OF SEPTEMBER, 2020

A.O. MUCHELULE

JUDGE