



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 146 OF 2011**

**SKM1.....PETITIONER**

**VERSUS**

**SMK2 .....RESPONDENT**

**JUDGMENT**

1. The petitioner SKM1 and the respondent SMK2 got married on 16<sup>th</sup> April 1983 at the Registrar's office in Nairobi. The marriage was not blessed with any issues. On 6<sup>th</sup> September 2011 the petitioner filed this petition seeking the dissolution of the marriage on the basis that the respondent had in 1992 deserted the matrimonial home and had not returned since; he had entered into an adulterous relationship with another woman; had verbally and physically abused the petitioner; and so on. The respondent filed an answer to the petition and a cross-petition. He denied the allegations by the petitioner. In the cross-petition he alleged that the petitioner had abandoned the matrimonial home in 1992 and relocated outside the country. He claimed that the desertion had caused grave anxiety and mental anguish to him. His case was that the marriage had irretrievably broken down. He sought its dissolution.

2. The petitioner attended court and testified. The respondent did not attend. The petitioner stated that in 1992 the respondent left the matrimonial home and went to stay with another woman. He did not return. Before this, he had been abusive, would beat her and not provide for her. She stays in the United Kingdom. According to her the marriage cannot be mended.

3. It is clear that the couple has lived apart since 1992. That is about 27 years. Such a relationship cannot be retrieved. On the grounds of long desertion and that the marriage has irretrievably broken down, I order dissolution. *Decree nisi* shall issue and become absolute after 30 days.

4. Costs shall follow the event.

**DATED and SIGNED at Nairobi this 19<sup>TH</sup> day of FEBRUARY 2019**

**A.O. MUCHELULE**

**JUDGE**

**DATED and DELIVERED at Nairobi this 21<sup>ST</sup> day of FEBRUARY 2019**

**ALI-ARONI**

**JUDGE**