



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**DIVORCE CAUSE NO. 15 OF 2017**

**BETWEEN**

**RBP.....PETITIONER**

**AND**

**AJN.....RESPONDENT**

**JUDGMENT**

1. **RBP**(Petitioner) moved this court by way of a Petition dated 27<sup>th</sup> September 2017 against **AJN**(Respondent).

2. In the Petitioner seeks for orders for : -

**a. Dissolution of the marriage between the two.**

**b. Any other relief.**

3. Despite service of the summons to appear and the Petition upon the Respondent, the Respondent did not enter an appearance nor file a response to the Petition and the matter having been certified as an undefended cause, proceeded as such on the 14<sup>th</sup> March, 2019.

4. The Parties solemnised their marriage under Hindu traditions on the 9<sup>th</sup> of May, 2015 and thereafter moved and cohabited in Tanzania.

5. The union has no children.

6. It is the Petitioner's case that the marriage between them has irretrievably broken down, and the two have been living separately since July 2017.

7. In her Petition she stated that the marriage between the two has had irreconcilable differences and as a result the same has broken down irretrievably. She cited the following grounds; -

- The respondent neglected the petitioner
- The Respondent has been rude and unsupportive
- The parties have stayed apart
- The parties have failed to resolve the issues even after consulting a mediator
- There is no longer any mutual concern between the parties

8. At the hearing the Petitioner reiterated her grounds mentioned above. She further informed the court that from the onset of the marriage the Respondent neglected her and was rude, and would also leave home for long hours. Further that circumstances were so difficult; she would have committed suicide and as of now nothing is left of the marriage.

9. Having considered the Petition and evidence of the Petitioner on record and in the absence of an answer to the Petition and evidence

challenging the evidence adduced by the Petitioner, I am of the opinion that the Petitioner has proved her grounds. I find further that due to the Respondent's cruelty as enumerated above the parties have irreconcilable differences and the marriage has thus broken down irretrievably. I also take note of the fact that the parties have lived apart for more than 3 years.

10. Consequently, the marriage between RBP and AJN that was solemnised on the 9<sup>th</sup> of July, 2015 be and is hereby dissolved.

11. The Decree Nisi be made absolute within 30 days.

12. Costs of the suit to the Petitioner.

**DATED, SIGNED AND DELIVERED at NAIROBI THIS 23<sup>rd</sup> DAY OF MAY ,2019.**

**ALI-ARONI**

**JUDGE**

In the presence of:

Petitioner .....

Respondent.....