



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 58 OF 2013**

**J K K.....PETITIONER**

**VERSUS**

**L N K.....RESPONDENT**

**JUDGMENT**

1. This petition was heard today morning. The respondent L N K who had been served failed to attend the hearing. The petitioner J K K testified in support of the petition. His evidence was not controverted.
2. The petitioner informed the court that he is a Professor of Economics at [particulars withheld] University in Maryland in the United States of America. He has taught there for 50 years. On 20<sup>th</sup> January 2010 he married the respondent in a civil ceremony in Nairobi. It was agreed that the respondent would move from Kenya to join him in the United States of America. He applied for a green card for her. She was invited to the US Embassy in Nairobi for interview. She declined to attend. She was asked to present herself for physical interview. She did not attend. He would come to Kenya every three months to see her. However, she got a baby with another man and moved on. The baby was delivered about 2012. He was in the USA when she conceived and delivered the baby. It is on the basis of adultery that he sought the dissolution of the marriage.
3. I accept the evidence by the petitioner. I find the respondent was guilty of adultery. On the ground of adultery, I dissolve the marriage between the petitioner and the respondent. *Decree Nisi* and absolute shall issue immediately, as the petitioner resides in the United States of America.
4. The cross-petition shall stand dismissed.

**DATED and DELIVERED at NAIROBI this 18<sup>TH</sup> day of JANUARY 2018**

**A.O. MUCHELULE**

**JUDGE**