



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

DIVORCE NO. 1 B OF 2016

P M M.....PETITIONER

VERSUS

I K M.....RESPONDENT

JUDGMENT

1. **P M M**, the husband, has petitioned for divorce from his wife **I K M**.
2. **P M M** and **I K M** cohabited together as husband and wife from the year 2003. They eventually entered into a Civil Marriage on 28th October 2011 at the District Commissioner's office at Laikipia County.
3. They were blessed with two male children; one **T M** born on 20th September, 2003, and the other **M M** born on 19th April, 2008.
4. **P M M** petitioned alleging that **I K M** had committed adultery. On **I K M** being served with the petition she appointed a Learned Counsel to file a Notice of Appointment but filed nothing else. Accordingly on 3rd August, 2017 the Deputy Registrar of this court certified this cause as an undefended divorce.
5. **P M M** stated in evidence before court that in the year 2014 he settled his family in Nanyuki town while he was engaged as a banker in Meru town. That he used to see his family at week-ends.
6. He stated that he often would be told by friends that his wife was having extra marital affairs but he was only able to confirm this in the year 2016.
7. He confirmed this because his wife had been to Nanyuki police station where she reported, OB No. [Particulars withheld] at 10.49 hrs, that she had been assaulted by her boyfriend. When **P M M** went to the police station the O C P D of that station informed him that **I K M** was in the company of a man she described as her boyfriend, whom she alleged had assaulted her.
8. **P M M** confronted **I K M** with that information, he obtained from the police station, and **I K M** did not deny the same.
9. In view of that **P M M** and **I K M** separated. The children of the marriage were left with **I K M** but in the year 2017 they moved into the home of **P M M**. **P M M** stated that he takes care of all the needs of the said children. That although they live with him **I K M** has visitation rights, agreed upon, during the school holidays.
10. In my humble view **P M M** proved, on a balance of probability that his marriage to **I K M** has irretrievably broken down. He stated there was no possibility of reconciliation.
11. As a consequence of the above I grant the following orders:
 - (a) **The marriage between **P M M** and **I K M** solemnized on 28th October, 2011 is hereby dissolved.**
 - (b) **A decree nisi shall issue and shall be made absolute within 30 days.**
 - (c) **The custody of the children of marriage is granted to **P M M**.**
 - (d) **There shall be no orders as to costs.**

Dated and Delivered at Nanyuki this 19th April, 2018

MARY KASANGO

JUDGE

Coram

Before Justice Mary Kasango

Court Assistant: Njue/Maria Stella

Petitioner

Respondent

For Respondent

COURT

Judgment delivered in open court

MARY KASANGO

JUDGE