



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO. 46 OF 2011

BETWEEN

O F T.....PETITIONER

AND

S E T.....RESPONDENT

JUDGMENT

1. The Petitioner **O F T** filed a Petition on the 7th of March, 2011 which was amended on the 16th of April 2015 against the Respondent **S E T** seeking for dissolution of the marriage between the parties for the reason that the marriage had broken down irretrievably and that the parties have since 2005 September led separate lives.
2. The Responded though duly served with Court Process failed to enter appearance or respond to the Petition and the matter proceeded as an undefended cause.
3. The parties solemnized their marriage on the 25th of July, 1998 at St. Austin Church [particulars withheld] in Nairobi. They cohabited until 2003 on L.R. No. [particulars withheld]/Thika road thereafter they moved to the Petitioner's property till 2004. Thereafter the Petitioner went to work in Afghanistan. The parties finally separated in 2005. Their marriage had no issues.
4. The Petitioner who is a [particulars withheld] currently works as a poultry farmer in Tanzania whereas the Respondent manages Ruaraka [particulars withheld] farm. Both are Kenyan citizen.
5. The Petitioner contends that their marriage has irretrievably broken down and he seeks for dissolution of the same.
6. The Petitioner further informed the court that the two owned properties together and had come to an agreement on how the same is to be shared. In evidence he produced an agreement dated 25th October, 2018 signed by the parties and requested that the agreement to be included in the decree nisi as part of the court order.
7. The parties herein have lived apart since September 2005 a period of over 13 years. It is the contention of the Petitioner which remains unchallenged that the marriage between the two has broken down irretrievably.
8. Having considered the evidence before court I find that indeed the marriage between the parties has broken down irretrievably and both have moved separate ways and it will serve no purpose to hold the two together any longer. I further find that the two through an agreement dated 25th October, 2018 amicably shared matrimonial properties and the agreement is hereby adopted.
9. Consequently:
 - a) The union between the two, **O F T** and **S E T** be and is hereby dissolved.
 - b) L. R. No. [particulars withheld] shall be shared equally based on the joint agreement between the parties dated 25th October, 2018.
 - c) The Joint Sterling account number 21****85 with [particulars withheld] Bank be retained for the benefit of the wife entirely.

d) The husband shall transfer his 1 share on Ruaraka [particulars withheld] Limited to the wife or her nominee, he shall further transfer shares he inherited from his father G P T to the wife as stipulated in the agreement.

e) Decree absolute do issue upon lapse of three months.

f) Each party to meet his own costs.

DATED, SIGNED and DELIVERED at NAIROBI this 20th DAY OF DECEMBER, 2018.

ALI-ARONI

JUDGE

In the presence of:

Petitioner.....

Respondent.....