



**REPUBLIC OF KENYA**

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

**DIVORCE CAUSE NO. 131 OF 2012**

**E W W .....PETITIONER**

**VERSUS**

**P M W.....1<sup>ST</sup> RESPONDENT**

**G C.....2<sup>ND</sup> RESPONDENT**

**JUDGMENT**

1. In the year 1977 the petitioner, then a spinster and 1<sup>st</sup> Respondent then a bachelor were married under Kikuyu Customary Law and thereafter formalized their union on 5<sup>th</sup> March 1978 under the Marriage Act Cap 150 Laws of Kenya. After the said marriage the petitioner lived and cohabited with the 1<sup>st</sup> respondent as husband and wife in Nairobi. That the marriage between the petitioner and the 1<sup>st</sup> respondent has been blessed with four (4) issues, namely: A W K , J W K W, T T W and P K W.
2. It is deponed that the marriage between the petitioner and the 1<sup>st</sup> respondent has broken down irretrievably . That the petitioner has not in any way been accessory to or connived at the said cruelty, adultery and desertion. That the petition is no presented or prosecuted in collusion with the 1<sup>st</sup> respondent and/or co-respondent. That the said marriage between the petitioner and the 1<sup>st</sup> respondent may be dissolved.
3. 1<sup>st</sup> Respondent in his answer to petition avers that the 1<sup>st</sup> respondent admits that the marriage between the petitioner and himself has irretrievably broken down with no chances of reconciliation. That the marriage between the petitioner and the 1<sup>st</sup> respondent be dissolved.
4. The petitioner and the respondent testified that they got married in 1977 by Kikuyu Customary Law and then in 1978 they formalized their marriage in church. That they do not live together as the marriage has irretrievably broken down. That they have been separated for four years since 2012 and there is no possibility of reconciliation.
5. From the evidence adduced it is evident that the marriage between the Petitioner and the Respondent has irretrievably broken down. They have been apart for the last four years with no possibility of reconciliation. I am persuaded that they have not colluded or connived to file the petition. Their marriage is no more and this court dissolves the marriage celebrated on the 5<sup>th</sup> of March 1978 between the petitioner and the 1<sup>st</sup> respondent on grounds that their marriage has irretrievably broken down. A decree *nisi* to issued and to be made absolute within 30 days. Each party to bear its own costs. It is so ordered.

Signed, dated and delivered this 27<sup>th</sup> Day of **April 2016**.

**R. E OUGO**

**JUDGE**

In the presence of:

.....Applicant

.....1<sup>st</sup> Respondent

.....2<sup>nd</sup> Respondent

Charity Court Clerk