

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO.139 OF 2013

M J SPETITIONER

VERSUS

A FRESPONDENT

JUDGMENT

1. The petitioner and the respondent are husband and wife having been married in 2003 under the Marriage Act Cap 150 of the Laws of Kenya at the Registrar's office at Nairobi on 27th August 2003 . The marriage between the petitioner and the respondent was blessed with two children namely; C C F born on 30th April 2006 and G F born on 15th August 2008. The petitioner and the respondent have been living separately since September 2012. It is pleaded that the marriage has irretrievably broken down and efforts by the petitioner by herself, relatives and friends to reconcile them have been futile to date, that the petitioner has not in any way been an accessory to or connived at or condoned the cruelty and adultery herein alleged, that the petitioner is neither presented nor prosecuted in collusion with the respondent. The petitioner seeks that the marriage between the petitioner and the respondent be dissolved. She also seeks that the respondent be compelled to provide her with alimony.

2. The respondent filed an answer to the petition and a cross petition dated 3rd August 2013. He avers that their marriage has irretrievably broken down and he too seeks that the marriage be dissolved.

3. On the 7th of April 2016 the parties amended their petitions to state that the marriage has irretrievably broken down. They entered a consent that the respondent will provide a lump sum amount of 10000 Euros in settlement for petitioner's claim for maintenance upon which the petitioner will not make any other claim against him. Further that the respondent will transfer to the petitioner the Motor Vehicle currently registered as **[PARTICULARS WITHHELD]**.

4. At the hearing on the 7th of April 2016 each party testified that their marriage has irretrievably broken down and that there is no hope of reconciliation. It was their evidence that they have not colluded to file the petition and cross petition.

5. The Marriage Act provides that the court can resolve a marriage for reasons that the marriage has irretrievably broken down. It is evident from the conduct of the parties that their marriage no longer exists and each want to have the marriage dissolved. Efforts to reconcile them have been fruitless. I therefore dissolve the marriage between the petitioner and the respondent for reasons that the marriage between them celebrated on 27th August 2003 has irretrievably broken down. The respondent shall comply with the consent recorded before this court on the 7th of April 2016. A decree *nisi* shall issue and be made absolute within 30 days. No orders as to costs. It is so ordered.

Signed, dated and delivered this 27th Day of April 2016.

R. E OUGO

JUDGE

In the presence of:

.....**Petitioner**

.....**Respondent**

Charity.....**Court Clerk**