



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUSIA

Divorce No. 1 Of 2015

R I.....PETITIONER

VERSUS

G O A.....RESPONDENT

JUDGMENT

1. G A O (The Respondent) and R I (The Petitioner) are man and wife. Their marriage, like many others, have had difficulties. They however wish to have theirs dissolved. One has petitioned and the other has cross-petitioned. This Court will grant them their wish !

2. The Petitioner and the Respondent contracted a Teso Customary Marriage in December 1990. The union was converted into a Christian marriage through a ceremony celebrated at [Particulars withheld] Catholic Mission on 14th May 2011. The union was blessed with the following 7 children:-

- 1) R I
- 2) I S
- 3) K I
- 4) M E O
- 5) R P
- 6) R A
- 7) R J A

3. There are allegations and counter allegations as to who between the Petitioner and the Respondent has troubled the marriage. The Petitioner alleges that the Respondent has been cruel and abusive to her. That he is a habitual drunkard and an absentee partner. That he has used abusive language against the Petitioner and has harassed and intimidated the children of marriage. In addition, that the Respondent has committed adultery with named and unnamed women. The allegations which were contained in the Petition were repeated by the Petitioner in her evidence.

4. The Respondent did not attend the hearing of the Petition. But he too, through Pleadings had sought the dissolution of the marriage. In his Cross-Petition he alleged that the Petitioner was an adulterous woman and was currently involved in an adulterous liaison with one E E I.

5. This marriage has irretrievably broken down. Both parties want out. This court will not stand on their way. For that reason I do hereby declare that the marriage between the Petitioner and the Respondent celebrated under Teso Customary Law and converted into a Christian Union on 4th May 2011 be and is hereby dissolved. A Decree Absolute shall issue after 30 days hereof.

6. Although the Petitioner had sought the custody of the minor children, the question of custody and maintenance of those children was resolved by a Consent order filed in Busia Maintenance Case No. 22 of 2015 R I Vs G O A. Happily, I need not make any orders on the children. It was well and consensually settled in the Maintenance Cause.

7. Each Party shall bear its own costs on this matter.

Dated and signed at Busia this 27TH Day of May .2016.

F. TUIYOTT

J U D G E

Delivered at Busia this 20th day of June 2016.

W. KORIR

J U D G E

In the presence of :-

Orwasa- .C/Assistant

Otsiula - for Petitioner

N/A- for Respondent