

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 105 OF 2009

W W MPETITIONER

AND

P M M.....RESPONDENT

RULING

1. On 31st July 2015, I declined to grant orders on the answer to the petition on the ground that the same did not carry prayers for dissolution of the marriage.
2. On 1st October 2015, counsel for the respondent informed the court that the respondent had in fact filed a cross-petition vide an amendment filed in court on 17th July 2012. He availed a copy of the said papers.
3. I have gone through the said papers and I am satisfied that the same were properly filed and that they do pray for dissolution of the marriage celebrated on 10th December 2003.
4. I am satisfied from the material that was placed before me by the respondent, when he testified before me on 12th April 2015, that the marriage between the parties had irretrievably broken down.
5. Consequently, I do hereby order as follows;
 - a. That the said marriage is hereby dissolved;**
 - b. That decree *nisi* shall issue forthwith, to be made absolute after thirty (30) days;**
 - c. That the respondent is hereby granted equal custody with the petitioner of the children of the marriage;**
 - d. That the respondent shall have access to the children on alternate weekends and for at least one week during school holidays; and**
 - e. That each party to bear own costs of the proceedings.**

DATED, SIGNED and DELIVERED at NAIROBI this 22ND DAY OF JULY, 2016.

W. MUSYOKA

JUDGE