

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 126 OF 2013

A N N....PETITIONER

VERSUS

N K....RESPONDENT

JUDGMENT

1. The petitioner A N N and the respondent N K. got married on 12th October 2010 under the **Marriage Act (Cap 150)** (now repealed). They lived together, and cohabited, at Rose Avenue off Ngong Road in Nairobi. The marriage was blessed with two children, J J K born on 6th June 2007 and M W N born on 23rd November 2010. The parties have been separated since March 2012, and cohabitation has not resumed since.

2. The petitioner filed this petition on 24th September 2015 seeking the dissolution of the marriage on the grounds of desertion and cruelty. The particulars were given. The respondent filed an answer to the petition. With it was a cross-petition. She sought the dismissal of the petition and the dissolution of the marriage on the ground of cruelty. The particulars were given.

3. The petitioner was represented by M/S Wambui and the respondent by Mr. Makori. The parties gave evidence. The petitioner adopted the contents of the petition, and the respondent adopted the cross-petition. There was no cross-examination.

4. On the material available, I find that the parties have lived apart, and have had no cohabitation, for over four years. The marriage has broken down beyond repair. I find that the marriage was difficult, abusive and mentally draining on both sides. The couple lived in a cruel marriage.

5. Consequently, I order the dissolution of the marriage between the petitioner and the respondent. *Decree nisi* shall issue and become absolute after 30 days.

DATED and DELIVERED at NAIROBI this 15TH DECEMBER 2016

A.O. MUCHELULE

JUDGE