



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**DIVORCE CAUSE NO. 60 OF 2013**

**BETWEEN**

S S L.....PETITIONER

**AND**

S K B .....RESPONDENT

**JUDGMENT**

1. The Petitioner S S L, then a bachelor and the Respondent S B, then a spinster were married on 21<sup>st</sup> December, 2008 at the Siri Gurdwara Ramgarhia Railway Temple, Nairobi. A certificate of marriage serial Number **[particulars withheld]** was issued to them in accordance with the Hindu law and is annexed to the Petition. The couple thereafter cohabited in Nairobi within Kenya as husband and wife. They have no issues of the marriage. They are both Kenyan citizens and are domiciled in Kenya.
2. The Petition in this matter was filed in court on 25<sup>th</sup> March 2013 and is premised on grounds of cruelty, desertion and irresponsibility as particularised therein. The acts of cruelty against the Petitioner and his mother are said to have emanated from the Respondent. The Petitioner averred that the Respondent had on several occasions threatened to beat the Petitioner's mother; and had a habit of picking quarrels with the Petitioner; that she refused to join the Petitioner at social functions causing him anxiety and leaving him lonely; that she denied the Petitioner the joy of fatherhood since she was not interested in having children with him; that she denied the Petitioner his conjugal rights and the warmth of her companionship causing him untold physical and mental anguish.
3. The Petitioner further stated that the Respondent has stopped carrying out house chores as is the duty of a wife and has deserted her matrimonial home since 22<sup>nd</sup> August 2009 to date.
4. The Respondent was served with the Petition and the notice to enter appearance on 30<sup>th</sup> April 2013. In reply to the Petition the Respondent filed a Cross-Petition in which she denied the acts of cruelty. Instead she shifted the blame onto the Petitioner whom she said had demonstrated no sense of responsibility towards her. That he told her to go home to her parents as a mark of rejection. That during their marriage she was not allowed any visitors, including a member of her family and as a result she developed severe depression for which she sought assistance without the Petitioner or his mother's help.
5. Mr. P S, a Director at **[particulars withheld]** Furnitures Limited swore an affidavit in support of the Cross-Petition. In it he stated that the Respondent has been working as his Personal Assistant for seventeen (17) years. He averred that after her marriage he had noticed that the Respondent was not

managing her time well, and was stressed unlike before. He recalled an incident in which she called him to say she could not go to work because she had been locked in, in her room.

6. Both the Petitioner and the Respondent assert that the marriage between them has irretrievably broken down and there is no chance of reconciliation. They both certify that neither the Petition nor the cross-petition has been prosecuted in collusion with the other. They each pray that the marriage celebrated between them be dissolved. The Respondent further prays for costs of the suit and the return of all her personal belongings and the dowry she brought into the marriage.

7. From the foregoing matrimonial offences stated by both the Petitioner and the Respondent, each accusing the other, it is my view that the marriage between the parties herein has broken down irretrievably and is not capable of being salvaged. The parties have also been separated for three years during which there has been no effort at reconciliation from either side.

In the premise I make the following orders:

- a) That the marriage celebrated between the Petitioner and Respondent at Siri Gurdwara Ramgarhia Railway Temple in Nairobi on 21<sup>st</sup> December, 2008 is hereby dissolved.
- b) That Decree nisi dissolving the said marriage is hereby issued to be made absolute thirty (30) days from the date of this judgment.
- c) The Petitioner to return the dowry paid by the Respondent failure to which the Respondent shall be at liberty to sue for its return.
- d) The Respondent be allowed to collect her property from the Petitioner's house.

Each party to bear their own costs.

**SIGNED DATED and DELIVERED** in open court this **30<sup>th</sup> day of January 2015.**

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**L. A. ACHODE**

**JUDGE**