



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**DIVORCE CAUSE NO. 151 OF 2014**

**N V S.....PETITIONER**

**VERSUS**

**M K G S.....RESPONDENT**

**JUDGMENT**

1. The Petitioner N V S has filed a petition dated 4<sup>th</sup> July 2014 seeking the dissolution of her marriage to the Respondent M K G S. She avers that on the 27<sup>th</sup> day of July 2009, they celebrated and solemnized their marriage at Jamnagar India, that subsequent to the foresaid celebration and solemnization of the marriage between the petitioner and the respondent, the parties cohabited and maintained residence together as man and wife in Kericho within the Republic of Kenya for a period of approximately six (6) years. That there is one issue of the marriage, S M S aged 4 years, that since the celebration of the marriage, the respondent has exhibited to and treatment the petitioner with extreme cruelty. The Petitioner's grounds are;
2. **Particulars of cruelty.**
  - a. Failing to provide the petitioner with any or at all emotional support, love and care.
  - b. Failing to offer the Petitioner any or at all modicum of consortium and society as would be a reasonable expectation in any union of marriage.
  - c. The respondent's continued neglect of the Petitioner feelings and desires has and continues to expose the petitioner to great emotional distress which scenario is severely detrimental to the petitioner's well-being.
  - d. The respondent has willfully and without any reasonable cause or justification chosen to abdicate his spousal responsibilities to provide for the petitioner without any due regard to the petitioner's well being.
  - e. Failing to be open, warm and accommodative to the petitioner and in effect implicitly maintaining an emotional and psychological distance from the petitioner.
  - f. Failing to show any or at all concern and/or empathy to the petitioner's emotional needs from love and companionship and in effect denying the petitioner his marital rights to companionship.
  - g. Failing to render to the petitioner any or at all reasonable, necessary and acceptable level of conjugal rights.
  - h. Being secretive, isolated, withdrawn and a man of ungovernable temperament and as such an unworthy companion.
  - i. The Respondent has exhibited utmost contempt and disrespect towards the petitioner.
  - j. The petitioner has been forced to become a social recluse by the respondent's behavior.
  - k. That the respondent on diverse dates has been cruel to the petitioner subjecting the petitioner to actual bodily harm and assault without reasonable cause.
  - l. That the respondent has used foul language against the petitioner and has used threatening language in the presence of relatively and public without any justifiable cause.

m. That the respondent has on several occasions threatened the petitioner with undisclosed dire consequence.

**3. Particulars of desertion**

- a. That on or about the 22<sup>nd</sup> of January 2010 the respondent deserted the matrimonial home and has not been back since then.
- 4. The Petitioner testified that whilst married to the Respondent he would not allow her to talk to anyone; she was not allowed to cook wash dishes or do any work. That when she was pregnant he kept checking her weight, the Respondent had problems with her eating and many times she went without food. That she was brought to Nairobi when she was 7 months pregnant, she was made to stay in a guest house and he paid the accommodation but after she delivered he did not pay anything and neither has he contacted her since 2010.
- 5. It is evident that the Petitioner went through tough times during her marriage with the Respondent, she was affected emotionally and further the Respondent chose to leave the marriage. The Petitioner evidence has not been challenged. She pleads that at no time did she condone or was an assessor to the acts of cruelty. The marriage between the Petitioner and the Respondent has irretrievably breakdown and the same is untenable and cannot be salvaged and/or sustained. The petitioner testified that there is a case in the Children’s Court Case No. 888 of 2010 she has been granted custody of their child. This court therefore dissolves the marriage between the Petitioner and the Respondent solemnized on the 27<sup>th</sup> of July 2009. A decree nisi to issue and to be made absolute within 30 days. It is so ordered.

Dated signed and delivered this **29th** Day of **January 2015**.

**R. E OUGO**

**JUDGE**

In the presence of:

.....**Petitioner**

.....**Respondent**

.....**Court Clerk**