



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**DIVORCE CAUSE NO. 255 OF 2013**

**J J .....PETITIONER**

**VERSUS**

**A K ..... RESPONDENT**

**JUDGMENT**

1. The petitioner and the respondent got married on 19<sup>th</sup> February 2010 at the Office of the Registrar in Nairobi and lived as husband and wife at Brookside Drive, Westlands in Nairobi. The marriage has no children. This petition was filed on 3<sup>rd</sup> December 2013 for the dissolution of the marriage on ground of adultery. The petitioner was represented by M/s Quadros. When it was served, the respondent entered appearance through KINYANJUI KIRIMI & CO. Advocates but no answer was filed. MR KIRIMI attended hearing on behalf of the respondent and was allowed to cross examine the petitioner.
2. It was not challenged that the parties have lived apart since 3<sup>rd</sup> September 2011. As to what led to that, the petitioner testified that on 17<sup>th</sup> August 2011 he found on the respondent's phone that she was having an affair with a man called S. He confronted her on 3<sup>rd</sup> September 2011. She confessed to the relationship. He did not condone this affair. Mr Kirimi questioned him on this but I found he was categorical and truthful. I believe his testimony. He went on to state that the marriage has broken down beyond repair.
3. On the ground of adultery, I dissolve the marriage between the petitioner and the respondent. *Decree Nisi* shall issue forthwith and shall become absolute after 30 days.

**DATED and DELIVERED at NAIROBI this 13<sup>th</sup> February 2015.**

**A.O. MUCHELULE**

**JUDGE**