

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 148 OF 2012

B. K. K.....PETITIONER

VERSUS

P.M.K..... RESPONDENT

JUDGMENT

1. The petitioner and the respondent got married on 14th August 2010 in Nairobi under the **African Christian Marriage and Divorce Act (Cap. 151)** and began to stay in Machakos. It was the uncontroverted evidence of the petitioner that on 28th September 2010 he left for the USA after agreeing with the respondent that she would later join him. However, she became pregnant by another man and delivered in December 2011. The next time the petitioner returned to Kenya was in 2014. The parties have not been in any communication.

2. On 14th August 2012 the petitioner filed this petition seeking the dissolution of the marriage on ground of adultery. The respondent filed answer to the petition denying adultery and claiming the petitioner was cruel to her. The petitioner testified during hearing. The respondent did not attend to testify, but was represented.

3. I accept the evidence of the petitioner and find that the respondent was guilty of adultery. On that ground, I order the dissolution of the marriage. *Decree Nisi* shall issue forthwith and shall become absolute after the expiry of 30 days. I make no order as to costs.

DATED and DELIVERED at NAIROBI this 13th February 2015.

A.O. MUCHELULE

JUDGE