



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO

DIVORCE CAUSE NO. 6 OF 2013

E C N.....PETITIONER

VERSUS

L C.....RESPONDENT

J U D G M E N T

1. **E C N** (*Petitioner*) filed a Petition against **L C** (*Respondent*) for divorce on the following grounds;

- i. *Cruelty*
- ii. *Desertion*

2. The Respondent was served with the Petition on 10th July, 2013. She did not file any response to the Petition and a certificate of readiness of the pleadings and proceedings was issued on 4th February, 2014.

3. The Petition came for hearing on 4th March, 2015. Again the Respondent was served with the hearing notice and elected not to attend court.

4. During the hearing, the Petitioner adopted his witness statement dated 31st May, 2013 and filed on the same.

5. In it he explained that on 8th October, 2010 a marriage was contracted between him and the respondent under the then Marriage Act at the District Commissioner's office Kericho. They cohabited at their matrimonial home at [particulars withheld] until March, 2011 when the Respondent deserted the home. In June, 2011 their cohabitation was completely terminated.

6. He has listed the particulars of cruelty and desertion in paragraph 6 of her Petition. He accused his wife (*Respondent*) of abdicating her duties as a wife by being rude to him; refusing to cook for him and treating him as a boy since he was in college as she worked.

7. After she left the matrimonial home in March, 2011 there were attempts to reconcile them in June, 2011 but it never worked and, since then they have not cohabited again.

8. There is one issue of the Marriage namely **R E K**. He produced a copy of the Marriage Certificate (*EXB1*) and Birth certificate (*EXB2*).

9. Even though the Respondent has been served with the pleadings and hearing notices herein she chose not to respond to them or come to court. The allegations by the Petitioner have therefore not been controverted. The Petitioner has satisfied this court that this marriage has irretrievably broken down. I

allow the Petition and grant the prayer for divorce.

A decree nisi to issue and to be confirmed after six(6) months.

Dated, signed and delivered this 13th day of March, 2015

H.I. ONG'UDI

JUDGE

In the presence of:

Mr. Koko for Petitioner- Present

Langat- court assistant