



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**DIVORCE CAUSE NO. 97 OF 2014**

**BETWEEN**

T W K .....PETITIONER

**AND**

T K K .....RESPONDENT

**JUDGMENT**

1. The Petitioner, then a spinster and the Respondent then a bachelor on or about May 1976 started living together as husband and wife and later solemnized their marriage on 6<sup>th</sup> August, 1997 at the Buru Buru Blessed Sacrament Catholic Church, Nairobi. A certificate of marriage serial Number [*particulars withheld*] was issued to them in accordance with the **Marriage Act (Cap 150 Laws of Kenya)**. The couple thereafter cohabited in Jerusalem, Umoja and Buru Buru Estates respectively. Both Petitioner and Respondent are domiciled in Kenya and were blessed with three issues of the marriage as follows:

- 1) B N born on 8<sup>th</sup> August 1976
- 2) C K born on 24<sup>th</sup> March 1979 (deceased)
- 3) M P M born on 11<sup>th</sup> November 1983.

2. The amended Petition filed on 15<sup>th</sup> September 2014 is premised on grounds of cruelty. The acts of cruelty are said to have been perpetrated against the Petitioner and the children by the Respondent. The Petitioner averred that the Respondent had on several occasions treated her with contempt, abused her, exposed her to emotional torture and threatened physical violence. The Petitioner states that sometime in October 1980 the Respondent moved out of their Jerusalem home to Umoja Estate with all their belongings and left her with no financial support for her and the children. That in August 1982 he physically assaulted her and accused her of chasing his brother away from their home.

3. The Petitioner further states that in October 1986, the Respondent physically assaulted her, which made her to move out and go to live in Kinoo with the children. Her mother intervened and urged her to go back to her matrimonial home which she did. That in the year 2000 the violence persisted against her and the children and on one occasion the Respondent locked her out of the house when she came from a women's self-help meeting. That the Respondent evicted the children on 7<sup>th</sup> June 2000 and the Petitioner was forced to rent a house for her eldest son.

4. The Petitioner asserts that the Respondent has lived away from her for fourteen years to date and various attempts at reconciliation have been fruitless. She has therefore asked the court to find that the marriage between the Petitioner and the Respondent has broken down irretrievably. She prays for the dissolution of the marriage and confirms that this Petition has not been presented or prosecuted in collusion with the Respondent, nor has she connived or condoned the cruelty complained of. She also certifies that there have been no previous proceedings filed regarding the marriage.

5. The Respondent was served as is evinced by the affidavit of service dated 3<sup>rd</sup> February 2015 but did not file an answer to the Petition or a cross-Petition. On 5<sup>th</sup> February 2015 the Deputy Registrar certified that the matter was suitable to proceed for hearing as an undefended cause for one day in Nairobi. The Petitioner testified on 12<sup>th</sup> March 2015 and basically restated what she had set out in the grounds of the Petition and the supporting affidavit. The Respondent did not appear in court.

6. From the foregoing it is evident that the ill-fated marriage celebrated between the parties herein on 6<sup>th</sup> August, 1997 has irretrievably broken down and there is no will, at least on the part of the Respondent, to salvage it.

For those reasons I make orders as follows:

- a) That the marriage celebrated between the Petitioner and Respondent at the Buru Buru Blessed Sacrament Catholic Church, Nairobi on 6<sup>th</sup> August, 1997, 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) There shall be no orders as to costs.

**SIGNED DATED and DELIVERED** in open court this **16<sup>th</sup> day** of **April 2015**.

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**L. A. ACHODE**

**JUDGE**