



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT MALINDI**

**DIVORCE NO.10 OF 2009**

**K K D .....PETITIONER**

**VRS**

**F M N .....RESPONDENT**

**JUDGMENT**

The petitioner is seeking to have his marriage with the respondent dissolved. The petitioner relied on his petition and statement filed in court. The respondent filed a reply to the petition as well as a cross petition. The respondent did not tender any evidence.

The petitioner's evidence is that they got married on 20th September 2006. He lives in Switzerland. He started having problems with his wife as she removed the wedding ring seven hours after the marriage. The respondent used to abuse him and would not accord him his conjugal rights until when she is in the mood. His further evidence is that he discovered that the respondent was having an affair with a taxi driver. At one time, the taxi driver assaulted the respondent who obtained a P3 form. When the petitioner wanted to take action on the taxi driver, the respondent stopped him.

In her cross-petition, the respondent maintains that it is the petitioner who has treated her with cruelty. He has been abusive to her and made her undergo abortion operations four times: The petitioner has deserted the matrimonial home and has never provided care and love to her.

Given the pleadings and the evidence on record, it is clear that the marriage between the parties has irretrievably broken down. There is no hope of reconciliation. The parties seem to be living separately and each is moving on with his/her life. No amount of persuasion can convince the parties to reconcile: Each party is accusing the other one of cruelty and abusive language.

I do find that the marriage between the parties cannot be sustained. The marriage is hereby dissolved as prayed. A decree *nisi* shall issue.

**Dated, signed and delivered at Malindi this 20th day of May, 2015.**

**SAID J. CHITEMBWE**

**JUDGE**