

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO.202 OF 2014

E.N.V.....PETITIONER

VERSUS

D.J.L.....RESPONDENT

JUDGMENT

1. The petitioner and respondent got married on 28th December 2004 under the **Marriage Act Cap 150** (repealed) at ACK St. Francis Church at Karen, in Nairobi. They cohabited as husband and wife at several places within Karen in Kenya. The marriage was blessed with two issues, both minors.
2. The petitioner filed this petition on 10th October 2014, and amended it on 27th November 2014, seeking the dissolution of the marriage on the grounds of cruelty and wilful neglect. In evidence, the ground of cruelty was abandoned.
3. The petitioner testified that they stopped cohabiting in June 2013 and that she lives with the issues of the marriage. Her evidence was that since they got the children the respondent spends most of his time away from home. He does not provide for the children. They have discussed this, and even went for counselling. The respondent's behaviour has not changed. The petitioner stated that the differences are irreconcilable. The marriage cannot be repaired.
4. The respondent did not defend the petition.
5. I accept the petitioner's evidence and find that the respondent is guilty of wilful neglect. The marriage between the parties has broken down beyond repair. I order the dissolution of the same. *Decree Nisi* shall issue forthwith and shall become absolute after the expiry of 30 days.
6. The parties signed a deed of settlement which shall form part of this judgment.

DATED and DELIVERED at NAIROBI this 30th day of July 2015

A.O. MUCHELULE

JUDGE