

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO.185 OF 2014

Z.N.M.....PETITIONER

VERSUS

D.K.N.....RESPONDENT

JUDGMENT

1. The petitioner and the respondent are Kenyan citizens who got married on 31st August 2007 at the Registrar of Marriages office in Nairobi. They cohabited as husband and wife in Nairobi. While the respondent is domiciled in Kenya, the petitioner is currently based in the US on work related engagements and stays in St. Louis, Missouri. The marriage is not blessed with any children.
2. The petitioner filed this petition on 11th September 2014 seeking the dissolution of the marriage on the ground of cruelty. It was her evidence that after the celebration of the marriage she relocated to the USA on September 1st 2007. It was their agreement that the respondent would follow her to the USA as soon as she settled. After she settled, she invited the respondent who took five years to join her. He stayed for only 8 months and left for Kenya in March 2013. He refused to return to the USA. She stated that while they were staying together she found a woman's photographs in his phone. She was later to confirm from his relatives that he had an affair with the woman. Upon asking the respondent about the said woman he denied the affair, and instead became abusive. Efforts by the petitioner's relatives to talk to the respondent were futile as he also abused them. They have since stopped talking to each other. They last talked on phone in June 2014. She stated that the marriage has irretrievably broken down, and the respondent has moved on with his life.
3. The petition was served but did not elicit any response. Consequently, the petitioner's evidence was not challenged. On this evidence, I find that the ground of cruelty was proved against the respondent. I order the dissolution of the marriage. *Decree Nisi* shall issue and become absolute after 30 days. The petitioner did not want costs of the petition.

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

A.O. MUCHELULE

JUDGE