

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO.235 OF 2014

A.G.....PETITIONER

VERSUS

A.M.....RESPONDENT

JUDGMENT

1. The petitioner is a dual citizen of both Germany and Switzerland while the respondent is a Kenyan citizen. The two got married at the Registrar of Marriages Office in Nairobi on 17th September 2003. The petitioner is a Communications Consultant. She is currently based in Jordan. The respondent is a salesman based in Kenya. After the celebration of the marriage, the couple resided both in Nairobi and Guinea. The marriage was not blessed with any children.
2. The petitioner filed this petition dated 25th November 2014 seeking the dissolution of the marriage on grounds of desertion, cruelty and adultery on the part of the respondent. During oral testimony, the petitioner stated that the couple stopped living together in June 2005. The respondent left their house in Guinea Conakry and went to live with a woman in Lamu, Kenya. He failed to give the petitioner mental and emotional support, and to meet the basic responsibilities expected of a spouse. He exhibited an irresponsible attitude towards the marriage by easily picking quarrels and fighting with the petitioner. He physically assaulted her, and was verbally abusive. It is for these reasons that she asked that the marriage be dissolved.
3. The respondent did not enter appearance or file response, despite being served. The Cause was therefore not defended. I accept the petitioner's evidence and find the respondent guilty of desertion, cruelty and adultery. The marriage herein has irretrievably broken down. I order its dissolution. A *Decree nisi* shall issue forthwith and shall become absolute after thirty (30) days. The petitioner did not want costs of the cause.

DATED and DELIVERED at NAIROBI this 24th September 2015

A.O. MUCHELULE

JUDGE