

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 26 OF 2015

R SPETITIONER

VERSUS

C O A.....RESPONDENT

JUDGMENT

1. The Petitioner has filed a petition dated 4th February 2015 seeking the dissolution of her marriage to the respondent. She got married to the respondent on 15th April 1992 at Registrar of Marriages at Sheria House Nairobi and were issued with certificate number [particulars withheld] by the Registrar of Marriage, Nairobi. After the said marriage the petitioner and the Respondent cohabited at South B in Nairobi. There are no issues to the marriage.
2. The petitioner petition is on ground of cruelty. The petitioner claims that has for several years the respondent denied her conjugal rights and neglected his obligations and responsibilities as the head of the family.
3. The respondent despite being served with the petition did not file an answer or cross petition. The Registrar on 8th October 2015 certified the petition to proceed as an undefended cause.
4. The petitioner in her testimony reiterated the grounds raised in her petition adding that 3 years after the said marriage the respondent packed her things and put them outside the house and asked her to leave. When the respondent was called by her parents he refused to go and any efforts for reconciliation fell through. The petitioner’s evidence is not controverted.
5. The petitioner ground for divorce is cruelty. Cruelty is a ground for divorce under section 66(2) b of the Marriage Act 2014. The petitioner in her evidence had stated that the respondent threw her out of the matrimonial home and there is no indication that the parties have resumed cohabitation since then as such I find that the said acts complained of amount to cruelty. It is evident that the marriage between the petitioner and the respondent has irretrievably broken down. I therefore dissolve the marriage between the petitioner and the respondent that was celebrated at Nairobi Office on the 15th April 1992. A decree nisi to issue and to be made absolute after 30 days.

Dated, signed and delivered this **30th** Day of **November** 2015.

R. E. OUGO

JUDGE

In the presence of:

.....**Petitioner**

.....**Respondent**

Charity

Court Clerk