

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 100 OF 2008

BETWEEN

L M M.....PETITIONER

AND

A C N M N M.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 3rd August 1991 at Nairobi Baptist Church at Nairobi. A certificate of marriage serial number [*particulars withheld*] was issued to them in accordance with the Marriage Act. The couple thereafter took up residence at Nairobi and Kiserian as husband and wife. The couple was blessed with two issues – M M (born 1993) and M M P (born 1995).
2. The petition in this matter was filed on 1st September 2008. The petitioner accused the respondent of cruelty and desertion. The respondent is alleged to have denied the petitioner of his conjugal rights, deserted the matrimonial home, had liaisons with other men whose company she preferred to that of the petitioner and lying.
3. The petition was served on the respondent on 23rd September 2008. She entered appearance but did not file answer to the divorce petition. The Deputy Registrar certified the on 26th February 2009 that the matter proceeds for hearing as an undefended cause. As there is no reply, the petitioner's allegations remain uncontroverted.
4. The petitioner testified on 5th December 2013. He gave vent to the allegations made in his petition.
5. It would appear to me that the marriage between the parties herein has irretrievably broken down. It would also appear to me that there has been no collusion between the petitioner and the respondent in the bringing of these proceedings. There is also no evidence that the petitioner has condoned the adultery.
6. I decree that the marriage celebrated between the petitioner and respondent on 3rd August 1991 is hereby dissolved. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. There will be no orders on costs.

DATED, SIGNED and DELIVERED at NAIROBI this 31st DAY OF January, 2014.

W. MUSYOKA

JUDGE