

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 180 OF 2012

BETWEEN

N J D.....PETITIONER

AND

P M K.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 11th January 2005 at the Office of Registrar of Marriage 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 a place called Gatheri along the Nanyuki-Nairobi road as husband and wife. The couple was not blessed with issue.
2. The petition in this matter was filed on 3rd October 2012. The petitioner accused the respondent of adultery. The respondent is alleged to have committed adultery with two persons who are named in the particulars, but who have not been made parties to the proceedings. As a result of the alleged adultery cohabitation ceased in June 2011.
3. The petition was served on the respondent on 16th October 2012. He did not appear nor file answer to the divorce petition. The Deputy Registrar certified on 6th December 2012 that the matter proceeds for hearing as an undefended cause. The petitioner testified on 6th June 2013 and gave voice to her allegations made in the petition. As there is no reply, the petitioner's allegations remain uncontroverted.
4. 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.
5. I decree that the marriage celebrated between the petitioner and respondent on 11th January 2005 be 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