

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

DIVORCE CAUSE NO. 36 OF 2011

G M.....PETITIONER

VERSUS

F V M.....RESPONDENT

JUDGMENT

This petition dated 13th September, 2011 was filed by the petitioner **G M** seeking the dissolution of her marriage to the respondent **F V M**. The respondent was properly served with a copy of the petition but failed either to enter appearance or to file a response thereto. The matter therefore proceeded as an undefended cause.

In her evidence the petitioner told the court that she and the respondent got married at St. Andrews Catholic Church on 16th December, 1995. She has annexed a copy of her marriage certificate serial number [Particulars withheld] as proof of this fact **Pexb1**. The couple lived in [Particulars withheld] Estate in Nairobi. The couple bore two (2) children together namely

- M W– 19 years old
- E T – 16 years old

The petitioner told the court that she has known no peace at all since the date of her marriage. At all times during the marriage she was a housewife whilst her husband was in paid employment. The petitioner engaged in casual work to help ends meet. She states that the respondent was a womanizer and would often beat her up. The last straw was when he got intimately involved with a neighbour's housemaid whom he later married and bore a child with. The petitioner left the matrimonial home in April, 2005 and returned to her home in Mombasa. Her attempt to seek reconciliation through elders and religious leaders has borne no fruit.

The evidence of the petitioner remains unchallenged. The actions of the respondent of assaulting her amounted to cruelty. His action of having a love affair with another woman whilst the marriage subsisted amounted to adultery. It is evident that the respondent has no interest in the relationship. I am satisfied that sufficient grounds have been made out and I do allow this petition for divorce. Decree nisi to be made absolute within three (3) months of today's date.

No order on costs.

Dated and delivered in Mombasa this 31st day of March, 2014.

M. ODERO

JUDGE

In the presence of:

No appearance by either side