



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**DIVORCE CAUSE NO. 24 OF 2012**

M A O.....PETITIONER

VERSUS

R M.....RESPONDENT

**JUDGMENT**

The petitioner **M A O** has filed this petition seeking the dissolution of her marriage with the respondent **R M**. The matter was heard on 6<sup>th</sup> December, 2013 and both parties appeared in court and testified.

The petitioner told the court that she and the respondent got married on 22<sup>nd</sup> March, 2012. She produces in court the marriage certificate serial number [Particulars withheld] **Pexb1**. After the marriage the couple lived as man and wife in Mtwapa. No children were born of their union. In April, 2012 the petitioner moved out of the matrimonial home. She explained that she did this because she discovered that the respondent had commenced an adulterous affair with one '*L K*'.

In his testimony the respondent concedes that he got married to the respondent in March, 2012. The respondent further admits that he was involved with another lady called '*L K*'. He admits that he is currently cohabiting with the said lady.

The act of adultery is a valid ground for divorce as per section 8(1) of the Matrimonial Causes Act. This is a case of a marriage which lasted barely two months. The respondent openly admits that he was and still is involved in adultery. He expresses no remorse neither does he express any intention to change his ways. The respondent clearly has no interest in reconciling with his wife. The marriage has clearly broken down. I therefore allow this petition for divorce and I direct that the respondent pay the petitioner the costs for the suit.

**Dated and delivered in Mombasa this 31<sup>st</sup> day of March, 2014.**

**M. ODERO**

**JUDGE**

In the presence of:

Ms. Mwatu h/b Mr. Opulu