



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 161 OF 2011

BETWEEN

S S.....PETITIONER

AND

H P.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 8th August 2008 at the Registrar's Office, Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at Westlands, Nairobi, Kenya, as husband and wife. The couple was blessed with one (1) issue.
2. The petition in this matter was filed in court on 6th October 2011. The petitioner founds her petition on cruelty. She alleges that the respondent is a man of wild and ungovernable temper, he drinks heavily, abandons the matrimonial bed so as to sleep in his mother's home, and assaults the petitioner without good cause. She pleads that the respondent ejected her from his mother's home in January 2011 rendering her homeless.
3. The petition was served on the respondent and he entered appearance and filed answer to the divorce petition and a cross-petition. He denies all the allegations in the petition. He accuses the respondent of cruelty, desertion, desertion and wilful neglect. On cruelty, he alleges that the petitioner has failed as a companion to the respondent, has severally assaulted the respondent, failed to show love and affection and habitually absents herself from the matrimonial home. She is also accused of having moved from the matrimonial house at Kileleshwa and remaining aloof to the respondent. On neglect, the petitioner is accused of neglecting to support the respondent financially. He pleads that the marriage has irretrievably broken down. The petitioner upon being served filed a response and answer to the cross-petition, denies all the allegations made in the respondent's pleadings.
4. On 26th January 2012 the Deputy Registrar certified that the matter proceeds for hearing as a defended cause. When the matter came up for hearing on 10th October 2013, the respondent dropped his cross-petition, and did not testify.
5. The petitioner testified and gave vent to the allegations made in her petition. She relied entirely on the allegations made in the petition. No counter evidence was given by the respondent, and

therefore the petitioner's story was not controverted.

6. 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.
7. Having taken into account the evidence before me I hereby make the following orders-
 - a. That the marriage celebrated between the petitioner and respondent on 8th August 2008 is hereby dissolved. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days; and
 - b. There will be no orders as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 25th DAY OF April, 2014.

W. MUSYOKA

JUDGE

In the presence of advocate for the petitioner.