

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 149 OF 2013

BETWEEN

C N M.....PETITIONER

AND

L G S.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 10th July 1999 at the Rusty Nail Restaurant, Karen, Nairobi, under the Marriage Act, Cap. 150, Laws of Kenya. The marriage certificate issued serial number *[particulars withheld]* is attached to the petition. The couple thereafter cohabited at Karen in Nairobi, Kenya, as husband and wife. The couple was not blessed with issue.
2. The petition in this matter was filed in court on 30th July 2013. The petitioner accuses the respondent of adultery, cruelty and desertion. The particulars being that the respondent had been having love affairs with other women, identified as L and F N, affairs that he confessed to when confronted by the petitioner. The relations with these two have since ended but the respondent lives alone now in another illicit relationship after he left the matrimonial home unceremoniously on 18th October 2007.
3. The petition was served on the respondent on 28th August 2013, as evident from the affidavit of service sworn on 28th August 2013 by Jane Abwoga Rodis. He did not enter appearance nor file an answer to the petition nor a cross-petition. On 17th October 2013 the matter was cleared by the registrar to proceed for hearing as an undefended cause.
4. As there is no reply to the petition, the petitioner's allegations, as made in the petition, remain uncontroverted.
5. The petitioner testified on 20th March 2014 and gave vent to the allegations made in her 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 desertion.
7. The orders that I am disposed to make are as follows:-
 - a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 10th July 1999;
 - b. Decree *nisi* shall issue forthwith, and may be made absolute after thirty (30) days.
 - c. There will be no orders as to costs.

SIGNED DATED and DELIVERED in open court this 30th day of May 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Ochieng advocate for the petitioner.