



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 155 OF 2012

BETWEEN

G K.....PETITIONER

AND

D W G.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 22nd August 2000 at the office of the Registrar of Marriage in 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 had prior to that been living together as husband and wife since 1996.
2. The couple thereafter established a matrimonial home at Umoja, Buru Buru and Komarock Estates in Nairobi, Kenya, as husband and wife. The couple was blessed with two children – G W, born on 10th May 1999, and J W , born on 11th September 2002.
3. The petition in this matter was filed in court on 24th August 2012. The petitioner accuses the respondent of cruelty and adultery. The particulars of cruelty are that the respondent has not been supportive of the respondent financially and emotionally, neglecting both the petitioner and the children of the marriage after she got a job with a bank, being cold to the petitioner's extended family, failure to extend love and warmth towards the petitioner, shunning the petitioner's company and having a love affair with a co-worker. The grounds of adultery are founded on the alleged love affair between the respondent and her colleague at work identified as J.
4. The petition was served on the respondent, who entered appearance and filed an answer to the petition and a cross-petition. She denies the allegations made in the petition, and avers that contrary to what is pleaded in those papers the respondent had always been supportive of the petitioner, helped him set up his consultancy, secured loans for him from her place of work and from her father, supported his political enterprise and accuses him of being possessive and jealous a consequence of which he has on occasions made calls to the respondent's place of work to insult her co-workers and customers..
5. In her cross-petition she accuses the petitioner of cruelty and adultery. She say that he is physically abusive, a habitual drunkard, chased her out of the matrimonial home and kept him away from it, deserted the matrimonial home without justification for a whole month, he is verbally abusive and a spendthrift. It is also alleged that he stays out of the matrimonial homes for long periods of time during which he resides with his girlfriends, sexually harasses house helps,

and that he brings women to the matrimonial bed.

6. On 8th November 2012 the matter was cleared by the registrar to proceed for hearing as a defended cause.
7. 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. The petitioner was however cross-examined by counsel for the respondent.
8. 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 cruelty proved in this case.
9. The orders that I am disposed to make are as follows:-
 - a. I hereby dissolve the marriage celebrated between the petitioner and respondent on 22nd August 2000;
 - b. Decree *nisi* shall issue forthwith, and may be made absolute after thirty (30) days;
 - c. All issues touching on the custody and maintenance of the children of the dissolved marriage shall be addressed to the Children's Court; and
 - d. There will be no orders as to costs.

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

W. MUSYOKA

JUDGE