



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 91 OF 2013

BETWEEN

P K N.....PETITIONER

AND

W B O.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 27th April 2010 at the Office of the Registrar of Marriages, Sheria House, Nairobi. The marriage certificate issued serial number ***[particulars withheld]*** is attached to the petition. The couple thereafter cohabited at Kilimani Estate in Nairobi, Kenya, as husband and wife. The couple was blessed with one issue – K M K, born on 20th August 2010.
2. The petition in this matter was filed in court on 9th May 2013. The petitioner accuses the respondent of cruelty, particulars being denial of conjugal rights, disrespect, engaging in lesbianism, desertion, colluding with her family to threaten intimidate and insult the petitioner, and exposing the petitioner to severe financial ruin..
3. The petition was served on the respondent on 11th June 2013, there is an affidavit of service on record sworn by Daniel Munyoli Ndongoi, a process server, on 26th June 2013. The respondent did not enter appearance nor file an answer to the petition. On 26th September 2013 the Deputy Registrar certified that the matter proceeds for hearing as an undefended cause. As there is no reply to the petition, the petitioner's allegations, as made in the petition, remain uncontroverted.
4. The petitioner testified on 16th January 2014 and gave vent to the allegations made in his petition. No counter evidence was given by the respondent, and therefore the petitioner's story was not controverted.
5. It would appear to me that the marriage between the parties herein has irretrievably broken down. I note that the respondent had even filed a separation cause, number 71 of 2012 which was never prosecuted. 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.
6. 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 27th April 2010;
- 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 Miss. Kiruti for Mr. Mbaabu advocate for the petitioner.