



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 116 OF 2011

BETWEEN

P M W.....PETITIONER

AND

E M K.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 14th March 1986 at the office of the Registrar of Marriages in Nairobi, under the Marriage Act, Cap. 150, Laws of Kenya. The marriage certificate issued serial number *[particulars withheld]* is attached to the petition.
2. The couple thereafter lived at various places in Kenya and the United Kingdom as husband and wife. Some of the places where they cohabited included Karen in Nairobi, Essex in the United Kingdom, Bembridge in the United Kingdom, Isle of Wight in the United Kingdom and Bofa in Kilifi. The couple was blessed with two children – M H W, now an adult, and L B W, also an adult.
3. The petition in this matter was filed in court on 14th July 2011. The petitioner accuses the respondent of cruelty. The particulars of cruelty are that the respondent compulsive abuser of alcohol and when she is intoxicated she becomes aggressive and abusive towards the respondent.
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. In her cross-petition she accuses the petitioner of adultery. It is said that he stayed and had sexual relations with a woman he was staying with in Australia when he worked there briefly, and when he worked in Nigeria he had unprotected sex with prostitutes. He is also of having stayed away from the respondent for an extended period of two years when he worked in Australia at the time he was staying with the woman referred to above. She complains that the petitioner is physically abusive, he has hit her causing damage and injury to her person.
5. On 29th September 2013 the matter was cleared by the registrar to proceed for hearing as a defended cause.
6. The petitioner testified on 27th March 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. The petitioner was however cross-examined by counsel for the respondent.

7. 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.
8. The orders that I am disposed to make are as follows:-
- a. I hereby dissolve the marriage celebrated between the petitioner and respondent on 14th March 1986;
 - 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. Saini for Mr. Ongoto advocate for the petitioner. Miss. Kiriti for Mrs. Michuki for the respondent.