



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**DIVORCE CAUSE NO. 89 OF 2013**

**BETWEEN**

**K M K.....PETITIONER**

**AND**

**D M N.....RESPONDENT**

**JUDGEMENT**

1. Marriage was celebrated between the parties herein on 8<sup>th</sup> June 2002 at the Holy Family Basilica, 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 as husband and wife at their matrimonial home in Nairobi. The couple was blessed with two issues – K M N, born on 27<sup>th</sup> August 2001, and G M K N, born on 21<sup>st</sup> November 2006.
2. The petition in this matter was filed in court on 8<sup>th</sup> May 2013. The petitioner accuses the respondent of cruelty and adultery. The particulars of cruelty being that the respondent had treated the petitioner with contempt, used foul language on her, insulting the petitioner to her face, issuing threats, abdicating spousal responsibilities, neglect, abandoning the petitioner at night and going to unknown destinations, among others. The particulars of adultery are that the respondent had admitted to various acts of adultery and that he had an adulterous relationship with a woman called S B, who was not named as a co-respondent.
3. The petition was served on the respondent on 14<sup>th</sup> May 2013, as evident from the affidavit of service sworn on 20<sup>th</sup> May 2013 by Richard Wachira. He did not enter appearance nor file an answer to the petition nor a cross-petition. On 20<sup>th</sup> June 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 8<sup>th</sup> May 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 cruelty.

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 6<sup>th</sup> March 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.

**DATED, SIGNED and DELIVERED at NAIROBI this 31<sup>st</sup> DAY OF July, 2014.**

**W. MUSYOKA**

**JUDGE**