

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 96 OF 2011

L A O.....PETITIONER

VERSES

H O O.....RESPONDENT

JUDGMENT

1. The petitioner L A O and the respondent H O O got married on 1st March 2002 at the office of the Registrar of Marriages, Nairobi. The couple cohabited at Komarock in Nairobi. The marriage was blessed with three children as follows:-

- (a) R O O, born on 26th November 1998;
- (b) R O O, born on 29th October 2004; and
- (c) T A O, born on 16th March 2009

2. The undisputed evidence of the petitioner was that, since the cohabitation of the marriage, the respondent has been cruel to her by refusing to talk, being rude and arrogant, coming home late, and beating her whenever she inquires about this behaviour. She further stated that the respondent has lived an adulterous life, and she saw this from his coming home late, smelling of perfume and also coming with lipstick all over his clothes. He maintained an affair with a Kamba lady called C whom the petitioner talked to and she confirmed that relationship. The couple lived apart for two years and came together. They again went apart and have not stayed together for the last one year. The petitioner filed this petition on 3rd June 2011 seeking the dissolution of the marriage.

3. I find that the grounds of cruelty and adultery have been proved through the evidence of the petitioner. I consequently find that the marriage cannot be salvaged, and hereby order its dissolution. Decree *nisi* shall issue and the same shall become absolute after 30 days.

4. The respondent shall pay the costs of the petition.

SIGNED at NAIROBI this 23rd July 2014.

A.O. MUCHELULE

JUDGE

DELIVERED at NAIROBI this 24th July 2014.

W. MUSYOKA

JUDGE