



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 120 OF 2013

BETWEEN

C N.....PETITIONER

AND

H O.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 12th March 2003 at the office of the Registrar of Marriages, Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at various addresses in Nairobi, Kenya, as husband and wife. The couple was blessed with two issues – A M and G O.
2. In the petition filed in this matter accuses the respondent of neglecting the petitioner and the children of the marriage, of denying the petitioner her conjugal rights, falsely accusing the petitioner of engaging in extra-marital affairs with other men, of coming home drunk and picking fights, of having moved out of the matrimonial home when the petitioner was out on official duty, of physically assaulting the petitioner in front of his friends, among others.
3. The petition was served on the respondent and he filed an answer to the petition and a cross-petition. He denied the allegations made in the petition, and made his own allegations of cruelty, accusing the petitioner of being a person of loose morals who exposed him to HIV/AIDS and other sexually transmitted diseases, walking out of the matrimonial home, exposing the respondent to ridicule amongst family friends and peers, among others.
4. Both parties testified on 29th May 2014 and gave vent to the allegations made in their respective petitions.
5. 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 both parties have condoned the cruelty alleged and proved by both of them.
6. On the issue of maintenance, both parties have a running arrangement on the custody and maintenance of the child. Both are currently having custody on a 50:50 basis. The respondent pays school fees and other expenses

7. I am disposed to make the following orders: -

That I hereby dissolve the marriage celebrated between the petitioner and respondent on 12th March 2003;

- a. That the parties shall have joint custody of the children of the marriage;
- b. That the respondent shall meet all the school fees and related needs of the children of the marriage;
- c. That decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days; and
- d. That there will be no orders as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF August, 2014.

W. MUSYOKA

JUDGE

In the presence of advocate for the applicants.