



**REPUBLIC OF KENYA**

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

**DIVORCE CAUSE NO. 215 OF 2012**

**BETWEEN**

**J W N.....PETITIONER**

**AND**

**L K K.....RESPONDENT**

**JUDGEMENT**

1. Marriage was celebrated between the parties herein on 15<sup>th</sup> July 1997 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 within Nairobi, Kenya, as husband and wife. The couple was blessed with two issues.
2. The petition in this matter was filed in court on 15<sup>th</sup> November 2012. The petitioner accuses the respondent of cruelty. The particulars being that the respondent is a habitual liar, he a compulsive borrower of money which he never pays back, his habit of borrowing of money exposed the petitioner and the children of the marriage to embarrassing scenes and gross hardship, among others. On 2<sup>nd</sup> June 2013 the Deputy Registrar certified that the matter proceeds for hearing as an undefended cause. There is no reply to the petition and therefore the petitioner's allegations, as made in the petition, remain uncontroverted.
3. The petitioner testified on 5<sup>th</sup> June 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.
4. 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.
5. I am disposed to make the following orders: -
  - a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 15<sup>th</sup> July 1997;
  - b. That I decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days; and
  - c. That there will be no orders as to costs.

**DATED, SIGNED and DELIVERED at NAIROBI this 14<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of ..... advocate for the applicants.**