

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 10 OF 2013

BETWEEN

K J C.....PETITIONER

AND

J K K.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 4th April 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 within Nairobi as husband and wife. The couple was blessed with one issue – L E M.
2. The petition in this matter was filed in court on 21st January 2013. The petitioner accuses the respondent of cruelty and adultery. The particulars of cruelty being that the respondent has assaulted the petitioner physically on several occasions, has directed verbal abuse towards the petitioner, has threatened the petitioner and has neglected the petitioner and their child. She also accuses him of having a sexual relationship with a named woman, who has however not been made a co-respondent, and is said to have committed adultery with several other women known and unknown to the petitioner.
3. On 16th May 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.
4. The petitioner testified on 29th 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.
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 the petitioner has condoned the cruelty alleged in the petition and proved at the hearing.
6. I am disposed to make the following orders: -
 - a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 4th April 2003;
 - b. That 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 14th DAY OF August, 2014.

W. MUSYOKA

JUDGE

In the presence of advocate for the petitioner.