



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

**DIVORCE CAUSE NO. 99 OF 2012**

**BETWEEN**

**L A N M.....PETITIONER**

**AND**

**V N N.....RESPONDENT**

**JUDGMENT**

1. Marriage was celebrated between the parties herein on 4<sup>th</sup> March 2009 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 Ngumba Estate in Nairobi, Kenya, as husband and wife. The couple was blessed with no issue.
2. The petition in this matter was filed in court on 13<sup>th</sup> June 2012. The petitioner accuses the respondent of cruelty. The particulars being that the respondent occasionally verbally and physically assaulted the petitioner, and neglected his duties as husband to the petitioner.
3. On 27<sup>th</sup> September 2012 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 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.
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 4<sup>th</sup> March 2009;
  - 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 14<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

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