

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 1 OF 2013

BETWEEN

L K W.....PETITIONER

AND

G N K.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 19th March 2008 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 in Nairobi, Kenya, as husband and wife. The couple was blessed with issue.
2. The petition in this matter was filed in court on 7th January 2013. The petitioner accuses the respondent of cruelty and adultery. The particulars of cruelty are that the respondent is a quarrelsome person, who would go to the petitioner's place of work and quarrel here in the presence of her colleagues. He is also accused of threatening to visit violence on the respondent. The allegations of adultery are that the respondent worked at places that were far away from the petitioner and indulged in unfaithfulness while working at those places.
3. On 2nd 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 26th 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. I am satisfied that cruelty was proved.
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.
6. I am disposed to make the following orders: -
 - a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 19th March 2008;
 - 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 26th DAY OF September 2014.

W MUSYOKA

JUDGE