

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 45 OF 2013

BETWEEN

M A O.....PETITIONER

AND

S O O.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 9th October 2007 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 the United Arab Emirates, as husband and wife. The couple was blessed with one (1) issue.

2. The petition in this matter was filed in court on 28th February 2013. The petitioner accuses the respondent of cruelty and adultery. The particulars of cruelty being that the respondent verbally insulted the petitioner, physically abused the petitioner, among others. He is said to have committed adultery with persons who have not been named as co-respondents..

3. On 6th March 2014 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 12th 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 the respondent was cruel to the respondent.

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 9th October 2007;
- 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