

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
DIVORCE CAUSE NO. 10 OF 2014

D D K.....PETITIONER

VERSUS

M M J.....RESPONDENT

JUDGMENT

The petitioner **D D K** has filed this petition seeking the dissolution of his marriage to **M M J**. The respondent was duly served with the petition as well as a summons to enter appearance but she opted to file no reply. The matter therefore proceeded as an undefended cause.

The petitioner testified in court on 27th October, 2014. He told the court that he and the respondent got married on 29th April, 2006 at Lighthouse Church in Bombolulu Mombasa. Following the marriage the couple lived in Bombolulu and Mshomoroni. They bore two children together

- J D 6 years
- D D 2 ½ years

The petitioner states that the marriage was problematic. In 2008 the respondent left the matrimonial home with the elder son. She stayed away until September, 2012. They re-united briefly and had the second child. The petitioner alleges that the respondent denied him conjugal rights. She was hostile towards his parents. Attempts by family to reconcile the two failed. In March, 2013 the respondent left again with the two children and went back to her parent's home. The petitioner states that he is informed that she has married someone else. The allegations made by the petitioner have not been challenged and/or controverted. From his narration it is clear that this is a union which has been beset with issues. One cannot live with a wife who makes it a habit to disappear for months on end. That goes against the very essence of a marriage. The actions of the respondent amount to psychological cruelty. The petitioner has a right to expect consortium and intimacy from his wife. The respondent's behaviour` made this impossible. I therefore allow this petition for divorce. Decree nisi to issue to be made absolute within three (3) months of today's date.

Dated and Delivered in Mombasa this 31st day of October, 2014.

M. ODERO

JUDGE

In the presence of:

Petitioner in person

Court Clerk Mutisya