

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 17 OF 2014

BETWEEN

A.C.....PETITIONER

AND

A.CRESPONDENT

JUDGEMENT

1. The Petitioner and the Respondent were married on 6th February 2008 at the 3rd Parklands Avenue, Kusi Lane, Nairobi. A certificate of marriage serial Number [*particulars withheld*] was issued to them in accordance with the **Marriage Act (Cap 150 Laws of Kenya)**. The couple thereafter cohabited at Deluxe Apartments, Kingara road in Nairobi within Kenya as husband and wife. They have no issues of the marriage.

2. The petition in this matter was filed in court on 27th January 2014. The Petitioner accused the Respondent of being a person of violent, temper, and had since the celebration of the said marriage, treated the Petitioner with habitual insults and neglect. That he used foul, abusive and threatening language to her and frequently physically assaulted her. The Petitioner further stated that the Respondent once threatened to kill her, forcing her to leave the matrimonial home for fear of harm.

3. The Respondent filed an answer to the petition and a cross petition dated 21st February 2014. He denied all allegations of cruelty towards the Petitioner and asserted that it was the Petitioner who visited acts of cruelty on him. That the Petitioner picked a quarrel on 6th August 2013 and disserted the matrimonial home on 7th August 2013. In the cross petition the Respondent set out particulars of the cruelty and desertion alluded to. He opined that the Petitioner’s behaviour towards him changed when she obtained permanent residence rights in Canada.

4. On 4th April 2014 the Deputy Registrar certified that the matter was suitable to proceed for hearing as a defended cause for one day in Nairobi. The Petitioner testified on 23rd October 2014 and reiterated what she had set out in the petition. The Respondent did not testify.

5. Both the Petitioner in her petition and the Respondent in his cross-petition indicated that the marriage has broken down irretrievably and cannot be salvaged. Both also aver that they have not acted in collusion in filing this matter nor have they condoned the acts of cruelty or desertion complained of by the other.

6. From the foregoing it is my view therefore, that the marriage between the parties herein has irretrievably broken down and cannot be salvaged.

7. In the premise I make the following orders:

- a. That the marriage celebrated between the Petitioner and Respondent at the Registrar’s office in Nairobi on 6th February 2008 is hereby dissolved.
- b. That Decree nisi dissolving the said marriage is hereby issued to be made absolute thirty (30)

days from the date of this judgment.

c. There shall be no orders as to costs.

SIGNED DATED and DELIVERED in open court this **30th** day of **October 2014**.

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L. A. ACHODE

JUDGE