

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
DIVORCE CAUSE NO. 103 OF 2014

BETWEEN
F S O.....PETITIONER
AND
L. C. K G D.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 30th April 2003 at the District Commissioner's office at Lamu. A certificate of marriage serial number *[particulars withheld]* was duly issued to them. The couple thereafter cohabited as husband and wife. The couple was blessed with issue, two children – T K G (born in 2004) and S K G (born in 2008).

2. The petition in this matter was filed in court on 14th May 2014. The petitioner accuses the respondent of cruelty. The particulars of cruelty are that the respondent has accused the petitioner of being a bad omen to his family, failing to provide for the children of the marriage, physically abusing the petitioner, driving the petitioner out of the matrimonial home, being denied access to the children, insulting the petitioner in public, among other grounds.

3. On 25th September 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 16th October 2014 and gave vent to the allegations made in her petition. No counter evidence was given by the respondent, and therefore the petitioner's testimony was not controverted. I am satisfied from her evidence that the respondent has been cruel to her, by physically and verbally assaulting her and driving her out of the matrimonial home.

5. It would appear to me that the marriage between the parties herein has irretrievably broken down. I note that the parties have been living apart since 2010. 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 30th April 2003;
- b. That decree *nisi* shall issue forthwith, to 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 19TH DAY OF December 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Wanjohi advocate for the petitioner.