

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 14 OF 2014

BETWEEN

U K H U.....PETITIONER

AND

C C.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 30th August 2007 at Tonder Kommune, Denmark. A certificate of marriage serial number *[particulars withheld]* was duly issued to them in accordance with the Danish law. The couple thereafter cohabited at Dusseldorf in Germany and Nairobi in Kenya, as husband and wife, until 2012 when they separated. The couple was blessed with one issue– Y U (born in 2008).
2. The petition in this matter was filed in court on 23rd January 2014. The petitioner accuses the respondent of cruelty. The particulars of cruelty are that the respondent has been physically and verbally abusive to the petitioner, has taken money away from the petitioner without his consent, travelling out of the country without the petitioner's knowledge and consent, among other grounds.
3. On 12th June 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 17th July 2014 and gave vent to the allegations made in his petition. No counter evidence was given by the respondent, and therefore the petitioner's testimony was not controverted. I am satisfied from his evidence that the respondent has been cruel to him, by physically and verbally insulting him and showing him general disrespect.
5. It would appear to me that the marriage between the parties herein has irretrievably broken down. I note that the parties have been apart since January 2012. 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 August 2007;
 - 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