

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 228 OF 2013

BETWEEN

A S B.....PETITIONER

AND

H K S.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 20th September 2006 at the office of the Registrar of Marriage in Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple resided at Nairobi South C and later moved to Karen. It is not pleaded as to whether they had children or not.
2. The petition in this matter was filed in court on 23rd October 2013. The petitioner accuses the respondent of cruelty. She is said to be a person of ungovernable temper who has serially used unkind and obscene language on the petitioner, she ceases all verbal communication with him, and she is irrational, eccentric, hysterical and insecure. The petitioner avers that the marriage has for all practical purposes broken down irretrievably, and prays for its dissolution.
3. The petition was served on the respondent and she entered appearance and filed an answer to petition. In her answer, she denied the allegations made by the petitioner in his petition. She accused the petitioner of housing her in his parents' home, where she has to live with his parents, siblings, in-laws and uncles. She averred that the marriage was happy until the petitioner got involved with another woman, whereupon his behaviour suddenly changed, and he began to come home late. Eventually he deserted his parents' home, leaving the respondent behind for an unknown destination. She averred that there were no grounds for divorce.
4. To these allegations the petitioner responded vide his reply to answer to the petition dated 10th January 2014.
5. On 5th June 2014 the Deputy Registrar certified that the matter proceeds for hearing as a defended cause.
6. The petitioner testified on 25th September 2014 and gave vent to the allegations made in his petition. No counter evidence was given by the respondent, and therefore the petitioner's story as told in court was not controverted. He explained that theirs was an arranged marriage and things did not really take off right from the start. There was no communication between the parties, and they did not even share a bed.
7. I am satisfied from the material before me that the marriage 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.
8. I hereby dissolve the marriage celebrated between the petitioner and respondent on 20th

September 2006. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. There will be no orders as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 11th DAY OF December 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Mwangi for Mr. Kamua advocate for the petitioner.