



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
DIVORCE CAUSE NO. 6 OF 2012

BETWEEN

P.W.R-K.....PETITIONER

AND

M.K.M.....RESPONDENT

JUDGEMENT

The petitioner in this matter married the respondent on 9th December 2006. This was at a Christian ceremony conducted at the Holy Family Basilica, Nairobi. A certificate of marriage (*particulars withheld*) was issued. The couple resided at (*particulars withheld*) and Nairobi – Kenya. There are no children born out of the marriage.

The petition in this matter was filed on 19th January 2012. In it the petitioner alleges that the respondent has treated him with cruelty. He has particularised the allegations in the petition-uncaring attitude, verbal abuse, laziness, drunkenness, abandoning the petitioner alone in the middle of the night in a car, disrespect to the petitioner’s family, neglect, belittling the petitioner, among others. At the hearing of the petition, the petitioner elaborated on these particulars.

The petition and notice to appear were served on the respondent on 8th February 2012. He did not appear nor file an answer to the petition. Consequently, the Deputy Registrar certified the petition as undefended paving way for its hearing. In the absence of an appearance by the respondent, the petitioner’s allegations

are uncontroverted. The particulars of cruelty set out in the petition remain unchallenged. Even the evidence presented orally in court is uncontroverted.

It would appear that the marriage between the parties has irretrievably broken down. It would appear to me that there has been no collusion between the petitioner and the respondent in bringing these proceedings. There is also no evidence that the petitioner has condoned the cruelty meted on her.

This is a proper case for grant of the orders sought in the petition dated 19th January 2012. The marriage celebrated between the petitioner and respondent on 9th December 2006 is hereby dissolved. The decree *nisi* shall issue forthwith and may be made absolute after thirty (30) days.

I will make no orders on costs.

DATED, SIGNED and DELIVERED AT NAIROBI THIS 27th DAY OF June 2013.

W.M. Musyoka

JUDGE