



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**DIVORCE CAUSE NO. 137 OF 2012**

**BETWEEN**

**J M J.....PETITIONER**

**AND**

**V R.....RESPONDENT**

**JUDGEMENT**

The parties to this matter married on 22<sup>nd</sup> February 2008 at a civil ceremony at the Attorney-General's Chambers at Nairobi. A certificate of marriage serial number ***[Particulars withheld]*** was issued to them in accordance with the Marriage Act. The couple thereafter cohabited as husband and wife in ***[Particulars Withheld]***. They were not blessed with issue.

The petition in this matter was filed on 27<sup>th</sup> July 2012. In it the petitioner accused the respondent of cruelty – he became physically violent, a drunkard and verbally abusive. He is also accused of wilful neglect – of the petitioner's feelings and of spousal responsibilities. She testified at the hearing on 7<sup>th</sup> March 2013 that he left the matrimonial home in 2010 never to come back.

The respondent was served with the petition on 8<sup>th</sup> August 2012. He did not appear nor file answer. Consequently, the Deputy Registrar certified the matter as an undefended cause on 25<sup>th</sup> October 2012, paving way for its listing for hearing. In the absence of a contest by the respondent, the petitioner's allegations are 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 and wilful neglect.

I decree that the marriage celebrated between the petitioner and respondent on 22<sup>nd</sup> February 2008 be dissolved. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. There will be no orders on costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20th DAY OF June, 2013.**

**W. MUSYOKA**

**JUDGE**

