



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NAIROBI

Divorce Cause 74 of 2009

F.K.K.....PETITIONER

VERSUS

M.N.N.....RESPONDENT

J U D G M E N T

1. The Petitioner, F. K. K. by his Petition dated 6th May 2009 seeks Orders that his marriage to the Respondent should be dissolved and the Respondent be condemned to pay the costs thereof.

2. It is his case that the marriage solemnized in the year 1992 has irretrievably broken down for reasons of cruelty on the part of the Respondent.

3. The particulars thereof are that;

“i) The Respondent is an insecure and suspicious person and has frequently invaded the Petitioner’s privacy by going through his cell phone and personal documents which has caused the Petitioner to feel invaded and disrespected.

ii) On one occasion, the Respondent used the Petitioner’s cell phone to send abusive text messages to his close friends, thereby causing him great embarrassment and humiliation.

iii) The Respondent has further frequently been verbally abusive to the children and the Petitioner and used foul and obscene language towards the Petitioner for no justifiable reason or cause.

iv) During the wedding of the Petitioner’s colleague on 2nd August 2001, the Respondent physically assaulted the Petitioner’s colleague merely because the colleague had spoken to the petitioner twice or thrice. The incident was embarrassing and humiliating to the Petitioner, bridal party and all the other guests present.

v) In or around the year 2006, the Respondent threatened to kill herself and wrote a suicide note which caused the Respondent anxiety and distress.

vi) During their cohabitation, the Respondent would frequently and without justifiable cause leave the Petitioner and the children of the marriage for extended periods of time, and thus abandon her parental and marital responsibilities.

vii) In or around 2005, the Respondent left the Petitioner when he was sick and went out, leaving the Petitioner to take care of himself.

viii) The Respondent frequently told the Petitioner that she wished he was dead which caused the Petitioner to feel unwanted and neglected.”

4. The Respondent although served, failed to respond to the Petition and tendered no evidence and so the evidence tendered by the Petitioner was not controverted neither was it responded to in any way. I have no reason to disbelieve it.

5. In the event, the marriage between the Petitioner and the Respondent is dissolved with no order as to costs.

6. The decree nisi shall issue forthwith and to become absolute within thirty (30) days.

7. Orders accordingly.

DATED, DELIVERED AND SIGNED AT NAIROBI THIS 20TH DAY OF JANUARY, 2012

20/1/2012

CORAM:

ISAAC LENAOLA – JUDGE

Miron – Court Clerk

No appearance for Parties

ORDER

Since NOTICE has twice been given to Parties and none has appeared; Judgment is duly read.

ISAAC LENAOLA

JUDGE