



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO.27 OF 2011

M. N. M.....PETITIONER

VERSUS

E.S.S.....1ST RESPONDENT
B.A.O.....2ND RESPONDENT

J U D G M E N T

1. By her Petition dated 2nd March 2011, the Petitioner, M.N.M. seeks Orders that her marriage to the 1st Respondent, E.S.S. be dissolved for reasons that in April 2009, the 1st Respondent committed adultery with the 2nd Respondent, B.A.O. and as a result thereof they got a child. Thereafter the Respondents started co-habiting together and the 1st Respondent never returned to his matrimonial home.

2. The Respondents were served but none deemed it fit to respond to the Petition and on the hearing date, none of them appeared and so the evidence tendered by the Petitioner is uncontested.

3. I note that she married the 1st Respondent on 11th April 2007 at the Registrar's Office in Nairobi and they lived together as husband and wife with no children. The allegations of adultery have not been denied and I see no reason to doubt the Petitioner's evidence in that regard. Adultery is a ground for divorce under **Section 8(1)(a) of the Matrimonial Causes Act, Cap. 152 Laws of Kenya.**

4. The above being the case, I will order that the marriage between the Petitioner and 1st Respondent be dissolved forthwith and a decree nisi to issue and to be made absolute within thirty (30) days. Further, it is ordered as follows by consent of the parties recorded on 22nd June 2011 on the issue of maintenances;

i) The 1st Respondent to pay the Petitioner Kshs.50,000/- maintenance per month until 31st December 2011.

- ii) *The 1st Respondent to pay the Petitioner's monthly electricity bills until 31st December 2011.*
- iii) *The 1st Respondent to pay the Petitioner's monthly water bills until 31st December 2011.*
- iv) *The 1st Respondent to pay the house rent and lease of the house where the Petitioner lives in the name of S.N.V until 31st December 2011.*
- v) *The 1st Respondent to pay the gardener at the Petitioner's residence for two days a week Kshs.500 a day until 31st December 2011.*
- vi) *The 1st Respondent to pay the Petitioner's house help Kshs.10,000/- per month until 31st December 2011.*
- viii) *The 1st Respondent to pay local medical health insurance policy for the Petitioner at Resolution Health until 31st December 2011.*
- ix) *Both parties shall maintain themselves after 31st December 2011 and waive any further rights against each other and will bear their own costs of this Divorce.*
- x) *That there be liberty to apply on condition that all matters arising out of the issues above will be referred to Mediation in the first instance.*

5. Orders accordingly.

DATED, DELIVERED AND SIGNED AT NAIROBI THIS 13TH DAY OF JANUARY, 2012.

CORAM

ISAAC LENAOLA – JUDGE
Miron – Court Clerk
Mr. Onyango for Petitioner

ORDER

Judgment duly read.

ISAAC LENAOLA
JUDGE