



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NAIROBI

Divorce Cause 17 of 2010

C.J.N.H.....PETITIONER

VERSUS

J. D.W.H.....RESPONDENT

J U D G M E N T

1. The Petition dated 24th February 2010 seeks orders that the marriage between the Petitioner and the Respondent herein, be dissolved.

2. At paragraph 7 of the Petition, the Petitioner states as follows;

“After the celebration of their marriage, the Respondent has been guilty of adultery as particularized below;

- (a) *Between 1996 and 2009, the Respondent was involved in extra-marital affairs with various women.***
- (b) *The Respondent has fathered two (2) children with a woman, who was unknown to the Petitioner. The children are aged three (3) and nine (9) months respectively in the period between 2007 and 2009.***
- (c) *Co-habiting with J, a mother of several children.***
- (d) *Partying endlessly with the “wrong” company and in complete disregard for the petitioner’s feelings and persistently coming during the wee hours of the morning in a drunken state.***
- (e) *Deliberately failing to attend scheduled important family functions.***
- (f) *Refusing to settle down, even after retirement.***
- (g) *Deliberately blocking his phone or failing to pick calls by the petitioner.***
- (h) *Allowing his girlfriends(s) to send the Petitioner sordid and insolent text messages using***

his private cellular phone.

- (i) *Secretly purchasing properties for his various girlfriend (s) or mistresses.*
- (j) *Refusing to share information regarding his financial status.*
- (k) *Generally engaging in acts of infidelity.”*

3. It was the Petitioner’s further evidence at the hearing of the Petition that the Respondent abandoned her in Nairobi while he moved to Zambia and later Arusha, Tanzania where he worked and the marriage has broken down beyond retrieval. Having lost contact with the Respondent, she is convinced that the marriage is a sham and ought to be dissolved.

4. The Respondent has not responded to the Petition and that being the case, there is no reason to doubt the petitioner’s evidence that the Respondent committed acts of adultery during marriage and later abandoned the Respondent to live with another woman.

5. That being the case and there being no evidence of collusion with the Respondent in filing this cause, I am satisfied that there are good reasons for the marriage to be dissolved and so prayer (a) of the Petition dated 24th February 2010 is allowed as prayed.

6. A decree nisi shall issue forthwith and to be made absolute within thirty (30) days of this order.

7. I shall make no order as to cost.

8. Orders accordingly.

DATED, DELIVERED AND SIGNED AT NAIROBI THIS 8TH DAY OF JULY, 2011.

I. LENAOLA

JUDGE

CORAM

I. LENAOLA – JUDGE

David – Court Clerk

Mr. Njiru for Petitioner

ORDER

Judgment duly read.

I. LENAOLA

JUDGE