



On cross-examination, the petitioner admitted that in December, 2006 she had given birth to a child who was not the respondent's. She further admitted that in 1998 she had taken various items from the matrimonial home.

The respondent did not testify nor did he call any witness.

Having considered the evidence adduced before me, I am satisfied that the petitioner has satisfactorily demonstrated the ground of cruelty. In any event the respondent did not deny the cruelty demonstrated by the petitioner. In addition to the beatings the respondent administered on the petitioner and chasing her while armed with a knife as stated in the petition, the respondent's failure to condole the petitioner when she lost her pregnancy was callous. Besides, the respondent has had no sexual relations with the petitioner since 2003. In my view the respondent is guilty of misconduct of a grave and weighty nature. The petitioner apprehended real injury to her health. This marriage in my view has irretrievably broken down.

In the end the marriage between the petitioner and the respondent is hereby dissolved. Decree nisi shall issue forthwith and the same to be made absolute after one month.

Each party shall bear his/her own costs.  
Orders accordingly.

**DATED AND DELIVERED AT ELDORET**

**THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2011**

**F. AZANGALALA**  
**JUDGE**

Read in the presence of:

Mr. Kirwa for the Respondent and

Mr. Misoi Hold Brief for Mr. Koros for the Petitioner.

**F. AZANGALALA**  
**JUDGE**

**26<sup>TH</sup> SEPTEMBER, 2011**