

anguish. Denial of conjugal rights, in my view, is a grave form of cruelty which was weighty and would cause extreme emotional injury and cause danger to the petitioner's life.

With regard to adultery, the birth of a child to the respondent who had not been intimate with the petitioner, obviously demonstrated that the respondent had committed adultery. In the premises, I find that the petitioner has proved to the required standard the grounds of cruelty and adultery. The marriage between the petitioner and the respondent has irretrievably broken down. It cannot be saved. I will therefore allow the petition and order that the petitioner's marriage to the respondent be and is hereby dissolved. Decree nisi should issue forthwith. The same shall be made absolute after one (1) month thereafter.

I make no order as to costs.

Orders accordingly.

DATED AND DELIVERED AT ELDORET

THIS 2ND DAY OF NOVEMBER 2011

F. AZANGALALA

JUDGE

Read in the presence of:-

Mr. Chaluget holding brief for **Mr. Terer** for the Petitioner.

F. AZANGALALA

JUDGE

2/11/2011