

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
DIVORCE CAUSE NO.129 OF 2009

I.H.....PETITIONER

VERSUS

C. N.....RESPONDENT

J U D G M E N T

The petitioner and the respondent were married on 4th October 1997 under the **Marriage Act**. The couple is blessed with two children aged twelve (12) and ten (10) years respectively. According to the petitioner, since the celebration of the said marriage, specifically since 2001, the respondent has been guilty of consistent cruelty towards him. The petitioner particularized the instances of cruelty inflicted on him in the petition for divorce. It is the petitioner's case that because of the said instances of cruelty, he had suffered both psychologically and emotionally to an extent that in September 2008 he was forced to move out of the matrimonial home. Since then, the petitioner and the respondent have been separated. It was for the above reasons that the petitioner was praying that this court dissolves the said marriage by granting his petition for divorce. The petitioner prayed that the respondent be condemned to pay the costs of the petition.

The respondent was duly served with the petition for divorce. She did not enter appearance. The Registrar of this court issued a certificate to the effect that the hearing of this petition would proceed notwithstanding that the respondent had not filed any papers in opposition to the petition. At the hearing of the petition, I heard oral evidence adduced by the petitioner. It was clear from the said evidence that the marriage of the petitioner and the respondent unraveled due to the respondent's unhappiness with the nature of the petitioner's work. The petitioner's employment requires that he frequently travels out of the country. The continued absence of the petitioner from the matrimonial home led to the respondent to suspect that the petitioner was unfaithful. The petitioner complained that the respondent did not have a good relationship with members of his family. According to the petitioner, the respondent frequently quarreled with him over petty issues. He told the court that all effort at reconciliation had been in vain. The petitioner and the respondent have been separated since September 2008. It was clear to this court that the marital relationship between the petitioner and the respondent has irretrievably broken down to an extent that there is no possibility of salvage.

This court is of the opinion that the petitioner established sufficient grounds to enable this court grant the petition for divorce. The marriage that was celebrated on 4th October 1997 between the petitioner and the respondent on is hereby annulled. Decree nisi is hereby issued dissolving the said marriage. The decree nisi shall be made absolute thirty (30) days from the date of this judgment. There shall be no orders as to costs.

DATED AT NAIROBI THIS 17TH DAY OF NOVEMBER, 2010

L. KIMARU
JUDGE