

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NAKURU

DIVORCE CAUSE 6 OF 2007

J.M.....PETITIONER

VERSUS

U.B.S.C.....RESPONDENT

JUDGMENT

On the 10th May 2002, J.M, the Petitioner, married U.B.S.C, the Respondent at a civil marriage ceremony held at the Superintendent Registrar's office at Nakuru. Thereafter they lived and cohabited in Nakuru until 2004 when they separated. They have not been blessed with any issue.

Prior to the marriage the Petitioner had two children from previous associations, R.M born 1989 and M.M born in 1991. Immediately after the marriage the Respondent accepted them and they all lived together with the respondent paying for their upkeep and educational expenses. In 2005 the respondent changed his attitude towards the children and the Petitioner herself and started treating all of them with cruelty. On 28th May 2007, the Petitioner filed this cause and sought divorce on the ground of cruelty. Though served the Respondent never entered appearance or filed an answer to petition. After obtaining directions the Petitioner formally proved her petition before me on 27th October 2008.

In her testimony, the petitioner stated that in 2005 the Respondent changed his attitude and started treating her and her said children with cruelty. He used abusive language towards them and demanded that the children be housed elsewhere. In December 2005, while travelling to Nairobi in their car, the Respondent said words to the effect that that was it and attempted to crash into a trailer they were following. The Petitioner got hold of the steering wheel and swerved to the left thereby avoiding an accident. Thereafter they separated and have never lived together since.

Having considered this evidence I am satisfied that the Respondent has treated the Petitioner and her children with cruelty. He has been separated from the Petitioner since December 2005. There is therefore not much left of their marriage and I find that it has irretrievably broken down. Consequently I grant this petition and declare that the marriage between the Petitioner and the Respondent is hereby dissolved. A decree nisi shall issue forthwith to be made absolute after the statutory period of six months.

DATED and delivered at Nakuru this 17th day of November 2008.

D. K. MARAGA

JUDGE.