



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT ELDORET

Divorce Cause 11 of 2007

JKR.....PETITIONER

VERSUS

SNM.....RESPONDENT

JUDGMENT

The Petitioner herein filed for divorce in a Petition dated 22nd May,2007 against his wife the Respondent.

The Petitioner and Respondent married on the 27th February, 2004 under the Marriage Act, Chapter 150 Laws of Kenya in a marriage ceremony celebrated at the District Commissioner's Office at Eldoret, Uasin Gishu District. They cohabited and lived in Eldoret. There were no issues of the marriage.

The Petitioner claims that the Respondent and himself have been separated and living apart since May, 2004. That since the marriage, the Respondent has treated the Petitioner with continuous and persistent cruelty, to wit:-

- v Insulted the Petitioner
- v Has been extremely rude and abused him and issued threats
- v Damaged property of the Petitioner
- v In May,2004 willfully deserted the matrimonial home without any apparent reason and has never returned
- v Denied the Petitioner his conjugal rights
- v Is a habitual drunkard
- v Has no respect for the Petitioner and his relatives.

The Petitioner averred that the Respondent now resides and works in Nairobi while he resides and works in Kitale.

The Respondent was served with the Petition and Notice to Appear on 2nd June,2007. I perused the affidavit of service and I am satisfied that she was duly served and acknowledged receipt by signing for them. The Petition was set down for hearing as unopposed. The Respondent did not defend the Petition.

The Petitioner testified on oath and reiterated and confirmed the allegations in the Petition. I found the Petition to be a credible witness, consistent and candid.

I am satisfied that the Respondent abandoned the Petitioner and they have not cohabited with each other as husband and wife from May,2004, a period of about 3 ½ years.

On a balance of probability, I hold that the Petitioner has proved the particulars of cruelty and that the marriage between the Petitioner and the Respondent has irretrievably broken down.

As a result, I do hereby order that the marriage between the Petitioner and the Respondent be and is hereby dissolved. There shall be no orders as to costs.

DATED AT ELDORET THIS 27TH DAY OF NOVEMBER 2007

M.K. IBRAHIM,

JUDGE.