



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**Divorce Cause 135 of 2004**

**EWB.....PETITIONER**

**VERSUS**

**GKB.....RESPONDENT**

**JUDGMENT**

The Petitioner in this divorce cause sought for an order of dissolution of the marriage that was solemnized between the Petitioner and the Respondent on 31<sup>st</sup> January, 1998 at the Attorney Generals Chambers Nairobi.

Upon marriage, the parties cohabited as husband and wife at kikuyu in Kiambu District. The Petitioner is a Kenyan citizen while the Respondent works in Zimbabwe. There are two children of the said union namely: -

- a) ZMNS –(aged 10 years)
- b) HMBL –(aged 5 years)

The Petition was not defended and the Respondent was issued with the Registrars certificate to that effect on 7/7/2005. The Petitioner thus gave evidence in support of the petition and she reiterated the grounds of cruelty, wilful neglect to provide reasonable maintenance to the petitioner and the children of the marriage.

According to the Petitioner, the Respondent wrote to her a letter dated 8/9/2002 through the email whereby he stated that he did not wish to continue supporting the Petitioner and playing the role of a husband and father to the children any more.

All attempts by the Petitioner to reconcile, failed as the Petitioner was living with another woman in Zimbabwe. The Petitioner contended that the marriage was irretrievably broken down and both parties have been separated for a long time and she sought for the order of dissolution, as she did not condone the acts of cruelty. The Petition was also not presented or prosecuted through collusion.

I have carefully considered the Petitioners' Petition and the evidence in support, I am satisfied that the Petitioner has proved her case to the required standard. I am also satisfied that the petition was presented

through collusion but for reasons that the marriage relationship is broken down irretrievably.

Accordingly, I hereby pronounce the decree of divorce and dissolve the marriage that was solemnized on 31<sup>st</sup> January, 1998. The decree nisi shall issue for the statutory period of three (3) months. The Petitioner shall have the custody of the two children as well as the cost of this Petition.

It is so ordered.

Judgment read and signed on 3/2/2006.

M. KOOME J.