



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**  
**Divorce Cause 12A of 2005**

**M.D ..... PETITIONER**

**VERSUS**

**E.S.P..... RESPONDENT**

**JUDGMENT**

This Divorce Cause was certified as an undefended cause by the Learned Deputy Registrar.

The Petitioner adduced evidence in support of her petition which is based on the grounds of cruelty meted out to her by the Respondent.

The Petitioner and the Respondent although started cohabitation in October, 1999, got married on 25<sup>th</sup> November, 2000 at the Registrar of Marriages office at Nairobi.

The Petitioner is resident of the Kenya and works with an NGO. The Respondent has not been working and was maintained by the Petitioner.

She narrated at least two very graphic incidents of physical violence and cruelty from the Respondent.

She stated that on 10<sup>th</sup> October, 2000 the Respondent poisoned her food and that he had repeatedly locked her in her bed room and on 24<sup>th</sup> October, 2002 after locking her, he tried to set her room on fire. After help came, he demanded abashedly that she should give him money to buy his ticket as he did not want to stay with her and that he married her only for the sake of a marriage. Thus she was forced to buy him an air ticket and he left her on 26<sup>th</sup> October, 2002.

She also stated that the Respondent used to drink heavily and when she came back home in the evening after the work, he used to beat her. She also stated although he was not working, he was not getting involved in running of the home and left all aspects of their life and home on her.

She denied that she had been accessory to or connived at those acts of cruelty. She also emphatically denied that she has condoned the acts of cruelty perpetrated against her by the Respondent.

From her uncontroverted and very frank deposition, I do not harbour any doubt that she was speaking the truth. I thus accept her evidence as such, and find that the Respondent had been guilty of acts of cruelty against the Petitioner.

The Petitioner having satisfied the court is entitled to the order of dissolution of the marriage more so as I am satisfied that as per her evidence, she did not collude with the Respondent in presenting or prosecuting this petition.

I thus order that the marriage in fact solemnized between the Petitioner and the Respondent be dissolved.

I shall not make any order as to costs.

***Decree nisi*** be made absolute within three months of the date hereof.

Dated and signed at Nairobi this 8<sup>th</sup> day of June, 2006.

**K.H. RAWAL**

**JUDGE**

**8.6.06**