

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Divorce Cause 7 of 2004

C.K.N.....PETITIONER

VERSUS

R.N.K.....RESPONDENT

J.K.K.....C0-RESPONDENT

JUDGEMENT

The petitioner in this Divorce Cause **C.K.N** petitioned for the dissolution of the marriage between him and the respondent **R.N.K**. The Marriage was solemnized on the 2nd day of May, 1998, at St. Christopher Church A.C.K. Nakuru. Both parties are domiciled in the Republic of Kenya. The parties cohabited as husband and wife within Nakuru town until August 2003 when they separated.

There is one issue of the marriage a girl child known as **M.N** aged 6 years old. According to the petitioner, their marriage started experiencing problems after two years when the respondent adopted a very hostile attitude against the petitioner. There was total breakdown of communication and it became very difficult for the parties to agree on anything and this was followed by mistrust and suspicion of adultery.

The relationship deteriorated and despite concerted efforts by Church Elders to reconcile the parties, their efforts did not yield any results. The parties finally separated in August 2003 and they have been living separately. According to the petitioner the marriage is irretrievably broken down due to irreconcilable differences and since the separation the parties have gone different ways. The respondent filed an answer to the petition and she too cross-petitioned for divorce, however she did not testify during the hearing of this petition.

I have carefully considered this matter and the material that was placed before her. It is clear that this marriage was characterized by misunderstanding and deep suspicion that led the parties to separation in August, 2003.

Both of them have petitioned and cross-petitioned for divorce, and whichever way one looks at this matter both parties are seeking for divorce due to irreconcilable difference and dissolution of the marriage is inevitable.

From the evidence before me, I am satisfied that this petition was not brought through conclusion but for reasons that the parties relationship broke down and it was not possible for them to stay together due to breakdown of communication and suspicion and mistrust of one, another.

Accordingly I hereby pronounce the decree of divorce and the ***decree nisi*** shall issue after a period of three months after which

it may be made absolute. This being a family matter let each party bear their own costs of these proceedings.

It is so ordered.

Judgement read and signed on 14th July, 2006.

MARTHA KOOME

JUDGE