

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI LAW COURTS)

DIVORCE CAUSE NO. 60 OF 2003

J.M.K PETITIONER

AND

G.N RESPONDENT

JUDGMENT

The Petitioner in this case who was representing herself has petitioned this court for the dissolution of a marriage that was solemnized on 7/5/99 before the Registrar of marriage. The parties were married prior thereto, under the Kamba customary law which marriage they converted under the marriage Act. They cohabited in Kisii, Nakuru, Makueni and Kibwezi during the said marriage and they have two issues to the marriage.

This case was certified as an undefended cause on 9/10/03. During the hearing the petitioner testified and gave a detailed account of incidences of cruelty both physical and verbal that she was subjected to by the Respondent. The incidences of cruelty and particulars are contained on paragraph 7 of the petition. The Petitioner recounted how she was assaulted by the Respondent on various occasions thereby occasioning her bodily harm. The Respondent also reported to the police that the Petitioner had stolen household goods. She was arrested and detained in the police station which caused her a lot of humiliation.

I have evaluated the Petitioner's Evidence, the petition filed herein and I am satisfied that the Petitioner was treated with cruelty and she did not condone the acts of cruelty nor was this petition brought through collusion with the Respondent. Accordingly I dissolve the marriage solemnized between the Petitioner and Respondent. A decree nisi shall issue after a period of 6 (six) months.

The custody care and control of the two issues shall be with the Petitioner.

The Respondent shall pay school fees and related expenses for the children. Costs of this cause to the petitioner. Any party shall be at liberty to apply.

Judgment read and signed on 30/1/04.

M. KOOME

JUDGE