



**REPUBLIC OF KENYA**

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

**DIVORCE CAUSE NO. 163 OF 2003**

**S.K.L.....PETITIONER**

**Versus**

**K.S.L.....RESPONDENT**

**JUDGMENT**

The petitioner herein petitioned for an order of dissolution of the marriage solemnized on the 26th August 2001 at Ramghasia Sikh Temple, Pangani. This petition was filed pursuant to an order of leave granted to her under Rule 2(1) of the Matrimonial Causes Act. The petitioner was granted leave on 24th October 2003 to file a petition for divorce notwithstanding that 3 years had not passed since the solemnization of the marriage. The petitioner therefore filed this petition which was certified on 12th February 2004 as undefended cause.

The petitioner testified in support of the petition. The parties cohabited principally at Joakim Estate, Nairobi. They have no children between them. The parties separated in March 2003 hence the marriage lasted for only less than 2 years. According to the petitioner, the respondent failed to offer companionship to her and was extremely insensitive to the petitioner's needs. This was followed by lack of communication as a result of which the petitioner suffered mental torture due to isolation and loneliness.

I have given due consideration to the pleadings, filed herein, and the testimony of the petitioner. This marriage was short lived as the parties so soon thereafter marriage fell out of love. There is no point in prolonging their agony. The respondent did not defend these proceedings accordingly I am satisfied that based on the evidence of the petitioner it is clear that since the celebration of the marriage the respondent treated the petitioner with cruelty. I am also satisfied that the petitioner has not condoned the cruelty and these proceedings were not presented in collusion with the respondent.

Accordingly the marriage solemnized on 26th August 2001 between the petitioner and respondent is hereby dissolved. The decree nisi shall issue for a period of two months for reasons that parties have gone their separate ways. There will be no order as to costs.

Judgment read and signed on 30th April 2004.

**MARTHA KOOME**

**JUDGE**