

REPUBLIC I KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO. 149 OF 2002

LB.....PETITIONER

Versus

PRB.....RESPONDENT

JUDGMENT

The petitioner in this divorce cause has petitioned for the dissolution of the marriage solemnized under the Marriage Act before the Superintendent Registrar's Office Nakuru on 27th October 1993 between the petitioner and the respondent. After the marriage the parties cohabited as husband and wife in Nakuru from 1995 to August 2002. There are no children to the said marriage. There are also no previous proceedings with regard to the said marriage. This petition is not defended and was certified as undefended cause on 6th February 2003. The petitioner testified in support of the petition and the grounds of divorce.

According to the petitioner, there were ideological differences between her and the respondent as the petitioner always desired to settle down and have children and raise a family. The respondent was not interested with children. The respondent had two children from a previous marriage. This is despite the fact that the respondent had promised the petitioner that they would have children before they got married. Another reason advanced by the petitioner for the breakdown of the marriage was that the respondent took up a different job as a Tour Guide, which made him be absent from home for long periods. The parties could not have time to spend together as the respondent always argued his job was more important to him. There was no communication and the petitioner who is now 34 years of age seeks for the dissolution of the marriage.

I have considered the petition filed herein, the evidence tendered by the petitioner. I am satisfied that the grounds adduced by the petitioner amount to cruelty and that the petitioner has not condoned the cruelty. Accordingly I pronounce a decree of divorce and dissolve the marriage solemnized on 27th October 1995. The decree nisi shall issue after a period of six months. The petitioner is also granted costs of this petition.

Orders accordingly.

Judgment read and signed on 12th May 2004

MARTHA KOOME

JUDGE