

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 157 OF 2003

JANE OMBATI.....PETITIONER

VERSUS

KENNEDY ONWONGA JUMA.....RESPONDENT

JUDGMENT

The petitioner in this divorce petition Jane Ombati has petitioned for an order of dissolution of the marriage solemnized on 20th September 1993 between her and the respondent at the Registrar's Office in Kisii. Upon marriage, the parties cohabited together as husband and wife in Nyaribari Masaba and subsequently moved to Nairobi where they lived up to February 1996 when they separated. The marriage was not blessed with any issue. This petition was certified as undefended cause on 19th February 2004.

During the hearing the petitioner gave evidence in support of the petition and reiterated the particulars of cruelty and adultery contained in the petition. I have given due consideration to the evidence of the petitioner that was not at all challenged. Based on her evidence, I am satisfied that the petitioner has not condoned in any manner nor has she been accessory to the acts of cruelty and adultery. The parties have been separated since February 1996 for a period of about 7 years. I am also satisfied that this petition was not brought through collusion. Accordingly I shall dissolve the marriage solemnized on 20th September 1993 and pronounce the decree nisi which shall be made absolute after 3 months.

The petitioner is also awarded costs of this litigation. It is so ordered.

Judgment read and signed on 30th July 2004

MARTHA KOOME

JUDGE