



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
DIVORCE CAUSE NO. 43 OF 2003

KATHRYN KATUTI OSANO PETITIONER

V E R S U S

CHARLES ODERO OSANO RESPONDENT

J U D G M E N T

The Petition was filed by Kathryn Katuti Osano the wife. She contracted a marriage with Respondent under Marriage Act Cap. 150 at Mombasa before Registrar of Marriages. They cohabited in Mombasa. There are children of the marriage now living namely:-

1. Stephanie Awinja
2. Reuben Odero
3. Richard Okumu

All are under The age of 18 years. The petitioner is unemployed and the Respondent is a businessman. Both are domiciled in Kenya. The Petitioner complains of adultery and cruelty as particularised in the petition.

The Respondent though served did not appear and the petitioner was certified as undefended. In her evidence the petitioner confirmed her petition and stated that her husband is a violent man and has beaten her many times and insults her without reason or excuse. He has threatened to kill her and he is a liar. He cheats about his job. He comes home very late and he has love affairs. For the last one and a half years he has not visited the Petitioner and does not provide any maintenance to her or her children. She resides with and maintains her children. She asked for their custody and maintenance.

The court has considered the petition and the evidence offered by the petitioner. I am of the view that there is here no warmth on the relationship of petitioner and her husband. I find she has proved her petition. Since the husband is a man of unknown abode and he does not concern himself with the care of his family. I find him unfit to keep the custody of his young children. In the circumstance I declare dissolution of the marriage between petitioner and respondent. Decree Nisi shall issue to be made absolute within the next 6 months. The care custody and control of the 3 children of the marriage is hereby granted to the petitioner. Their father shall pay maintenance for their upbringing until they attain

the age of 18 years. Application for maintenance to be made with notice to the father.

The Respondent shall pay permanent maintenance to the wife amounting to shs. 10,000/- per month from the date hereof for her own maintenance. The Respondent shall pay the costs of this suit.

Dated this 30th day of July, 2004.

J. KHAMINWA

JUDGE

Mr. Mabea holding brief for Mrs. Amadi.

Judgment read in his presence.

J. KHAMINWA

JUDGE