

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO. 12 OF 2004

EWM.....PETITIONER

VERSUS

WWH.....RESPONDENT

JUDGMENT

This was a short marriage union that was solemnized on 25th June 1999 at St. Andrews Church and by March 2003, the parties separated and they have been living separately. During the hearing of this cause, the petitioner withdrew the petition and the cross-petitioner respondent proceeded to prosecute the cross-petition.

According to the respondent, upon the celebration of their marriage they lived in various places in Nairobi as set out under paragraph 6 of the respondent's verifying affidavit. There is one child from the marriage namely CKM born on 13th March 2003. The respondent complains that during the currency of the marriage, she was subjected to cruelty. She reiterated the grounds of cruelty contained in paragraph 8 of the answer and cross-petition. one to the cruelty and desertion by the petitioner, the marriage has irretrievably broken down with no prospects of reconciliation and the respondent has sought for orders of dissolution.

I have given careful consideration to the respondents answer and cross petition as well as her evidence that is not at all challenged.

The petitioner deserted the respondent immediately upon the birth of their child. This must have been a painful experience for her. I am therefore satisfied on the respondent's evidence that she has proved her case to the required standard. The respondent has not been accessory to, or connived at, or condoned the cruelty and desertion.

Accordingly I hereby pronounce a decree for divorce. The marriage solemnized on 26th day of June 1999 is hereby dissolved.

The decree nisi shall issue for a period of three (3) months. Costs of his crosspetition to the respondent. Each party shall be at liberty to apply for further orders. It is so ordered.

Judgment read and signed on 17th September 2004

MARTHA KOOME

JUDGE