



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KISII**

DIVORCE CAUSE NO. 5 OF 200

FCR PETITIONER

VERSUS

RIRRESPONDENT

JUDGMENT:

The Petitioner **FCR** prays for dissolution of her marriage with the respondent **RR**. She also prays for the custody of their two children of the marriage. She told court that they married on 4th April 1998 at the District Commissioner's office Narok. The marriage was blessed with two children CC and KK. However in the year 2000 before KK was born the Respondent started being cruel to her. He would take other women to their house and he would beat her up. He would chase her out of the house with a knife. Eventually she had to go back to her parents. Since then the Respondent had never gone even to see the children.

I have considered the evidence. The petition is not contested. It is clear that the marriage has completely broken down since the year the 2000. The two have been living separately since then. Petitioner has been taking care of the children and it seems that Respondent has no interest in them otherwise he would have tried to find out how they are fairing.

I therefore allow the petition for divorce as prayed and hereby issue decree Nisi. The Petitioner will also have custody of the two children.

Respondent to pay costs of the Petition.

Dated at Kisii this 12th November 2004.

KABURU BAUNI

JUDGE

12/11/04

Petitioner present.