

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO. 162 OF 2003

LMW.....PETITIONER

Versus

LHW.....RESPONDENT

JUDGMENT

The petitioner in this Cause sought for an order of dissolution of the marriage solemnized on 25th May 1989 before the Registrar's office in Nairobi.

Upon marriage the parties who are domiciled in the Republic of Kenya cohabited as husband and wife in various places in Nairobi. There is one issue of the said marriage namely VW aged 14 years.

This petition was certified as a undefended Cause on 27th May 2004. During the hearing the petitioner gave evidence in support of the prayer for dissolution and reiterated the particulars of cruelty contained in the petition. According to the petitioner the respondent is cruel and was in the habit of deserting the petitioner and the issue of marriage without the consent of the petitioner for long periods of time. She would travel out of the country ostensibly to carry out business but she completely refused to account to the petitioner on what she was doing and whenever the petitioner would seek an explanation the respondent would hurl insults at him even in the presence of workers.

The petitioner has been having the custody of the child, the respondent has not bothered to check on the welfare of the child for several years. The petitioner therefore sought for an order of dissolution of the marriage which has broken down irretrievably. The petitioner confirmed that he did not condone the acts of cruelty and desertion and that this petition was not brought through collusion but for the reasons advanced by the petitioner.

I have given careful consideration to the evidence adduced herein by the petitioner which was not challenged. I am satisfied that the petitioner has proved the case to the required standard and for reasons of cruelty and desertion the marriage is irretrievably broken down. I am also satisfied that this petition has not been brought through collusion.

Accordingly I hereby pronounce the decree of divorce and dissolve the marriage that was solemnized on 25th May 1989. The decree nisi shall issue for three (3) months.

The petitioner shall have the custody of the issue of marriage. Any of the party shall be at liberty to apply. Judgment is read and signed on 10th December 2004.

MARTHA KOOME

JUDGE