



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MOMBASA**

**DIVORCE CAUSE NO. 33 OF 1999**

**JUMA MWASARU .....PETITIONER**

**VERSUS**

**AGNES WALI MWASARU.....RESPONDENT**

**J U D G E M E N T**

This is undefended petition. The Petitioner married Respondent on 12- 10-1974 under the African Christian Marriage Act.

One issue of marriage is now surviving namely Elisha Mchana Mwasaru born in 1977. There has been previous proceedings being HCC No. 26 of 1998 between the parties which were discontinued and no orders were made.

The Petitioner accuses the Respondent of cruelty, she is rude, nagging and disrespectful, abusive and intimidating. Has denied conjugal rights.

The parties have not cohabited together since 1997. The parties are domiciled in Kenya. The petition was heard ex parte as the Respondent failed to enter appearance or to file answer.

I have considered the petition with verifying affidavit and also the sworn evidence of Petitioner and I am satisfied that the petition is proved.

I declare decree Nisi to be made absolute after expiration of two months from today.

**Petitioner shall pay our costs.**

**J. KHAMINWA**

**JUDGE**

**22-7-2003**

**In presence of Mr. Kiarie.**

**J. KHAMINWA**

**JUDGE**