



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**DIVORCE CAUSE NO. 22 OF 2001**

S.R ..... PETITIONER

VERSUS

W.R ..... RESPONDENT

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

The petitioner S.R, petitioned the court for an order for dissolution of her marriage to Walter Reitmair, the respondent, on the ground of the respondent's cruelty whose details she gave in paragraph 7 of the petition.

The respondent was served with the petition. He filed an answer and also cross petitioned for divorce on the grounds of cruelty. The registrar nevertheless certified the cause as an undefended cause.

The petitioner and the respondent got married on 22nd August, 1983, at the Registrar's office in Austria. The marriage certificate was attached to the petition. It has since been translated into English.

The two came to Kenya in 1984 and lived in a flat in Upper Hill area in Nairobi. There are no children of the marriage, though the couple lived together as husband and wife for 18 years.

Both the petitioner and the respondent were originally Austrian citizens, but the respondent did become a Kenyan citizen about 8 years ago. The respondent works at Yaya Centre since October, 2001 and the petitioner is a Managing Director of two businesses based in Msambweni in the South Coast of Mombasa.

Talking about their marriage, the petitioner stated that about 5 years ago, she got information about her husband having had a sexual relationship with a woman who was suspected to be suffering from HIV/AIDS. Both that woman and her husband have since died of the disease.

The petitioner urged her husband to take an AIDS test, but the latter refused and this strained their marriage very much, plus the fact that the husband started drinking heavily and at times would take money from the business, a fact which embarrassed the petitioner very much. The two started living apart from then onwards, which was about 5 years ago. The petitioner stated that there is no possibility of a reconciliation between them. She prayed that the marriage be dissolved. She undertook to pay her own court costs.

The respondent was served with a copy of the divorce petition whose copy is on the court file. Nevertheless the Senior Deputy Registrar, certified the cause as an undefended cause.

The petitioner's evidence was not challenged. I am therefore entitled to accept it. I believe that what she told court is what caused the breakdown of their marriage. For this reason I grant an order dissolving the marriage between the petitioner and the respondent. Each party to pay their own expenses occasioned by this Divorce Cause.

Dated at Nairobi this 24th day of January, 2002.

**JOYCE ALUOCH**

**HIGH COURT JUDGE**

