



**N v R**

**High Court, at Kericho June 25, 2002**

**Alnashir Visram J**

**Divorce Cause No 1 of 2001**

**June 25, 2002, Alnashir Visram J delivered the following Judgment.**

The Petitioner and the Respondent got married in 1990. They were blessed with one child in the course of their marriage. That marriage was not to last. The parties never really got to stay together as the Petitioner was out of the country pursuing his studies. According to her testimony, the Respondent stated that the Petitioner was a hot-tempered person and that he molested her on two occasions that he visited her and their son. Considering the whole testimony in this case, it would appear that the Petitioner was never interested in this marriage at all neither does he have interest in his son. He drove her away from the marriage.

However, the Petitioner testified, and this was not controverted, that the Respondent had committed adultery and had had two children with another man. This is clear evidence of adultery and on that alone I allow his petition for the dissolution of his marriage to the Respondent.

As to the matter of custody of the child of the marriage, the Petitioner stated before me that he did not want the same. In the circumstances, custody of the child of the marriage is given to the Respondent. Each party shall bear his/her own costs.