



IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO. 132 OF 1999

PGN.....PETITIONER  
-VERSUS

JPGN .....1st RESPONDENT  
AS.....2ND RESPONDENT

JUDGMENT

The Petitioner and the Respondent were married on 18th October, 1980 at the D.C.'s office in Mombasa.

After the marriage, the parties resided in Nyali, Mombasa then Malindi and up to 27th September, 1999 at Kilifi.

They have one child out of the marriage, LJN born on 29th July, 1981.

The Petitioner in his evidence said that the Respondent committed adultery with one RR in the late 1980s but the parties reconciled.

However, later on, the Respondent committed adultery with one AS, the co-respondent and continues to commit adultery with him at his house in Kilifi. There has been no previous proceedings and the petitioner has not condoned the adultery. He asks for the prayers in the petition.

The petition is not contested by either the respondent or the corespondent.

I accept the evidence by the petitioner and I am satisfied that the respondent has committed adultery as claimed by the petitioner in his petition.

The marriage between the petitioner and the respondent is dissolved.

There will be a variation of the marriage settlement and the petitioner shall be entitled to damages as against the co-respondent.

The costs of the petition shall also be awarded to the petitioner as against the respondent and co-respondent.

Dated and delivered at Nairobi this 5th day of June, 2000.

**KASANGA MULWA**  
**JUDGE**