

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO.46 OF 1998

K.B.P PETITIONER

AND

U.V.S.A..... RESPONDENT

JUDGMENT

K.B.P herein referred to as the petitioner filed this petition against **U.V.S.A** herein referred as the Respondent in which she sought the following orders.

- 1. Dissolution of their marriage**
- 2. Alimony pending suit.**
- 3. Maintenance**
- 4. Secure Provision**
- 5. Costs of the petition**

The Respondent after receipt after receipt of summons filed a reply to the petition as well as cross-petition.

When the matter came up for hearing, the petitioner was absent, and counsel for the Respondent decided to proceed with the crosspetition.

In his cross-petition the Respondent had sought orders for the dissolution of the marriage on grounds of cruelty and desertion and that the marriage was a nullity on the ground that the petitioner was at the time of the marriage pregnant by some other person other than the Respondent

The Respondent in his evidence told the court while together they had a lot of problems, which on examination admitted were the normal family quarrels. He said she deserted him and went to London and when she came back she went to her parents. But on examination he admitted that he had granted her permission to go to London and in fact he is the one who gave her air ticket to London.

The Respondent also admitted that he had disclosed to the petitioner that the child she carried was not his and this fact was even to the members of his family and it generated a lot of quarrels between them. I have considered the grounds advanced by the Respondent in support of his cross-petition and I find that none of them has been proved. There was no evidence to support the allegation contained in his cross-petition.

This cross-petition is therefore dismissed with costs.

Dated and delivered at Nairobi this 28th day of July, 2000

J.L.A. OSIEMO

JUDGE