



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA DISTRICT REGISTRY**  
**DIVORCE CAUSE NO.28 OF 2000**

**Z M M ..... PETITIONER**

**- versus -**

**M J M..... RESPONDENT**

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

The Petitioner Z M M is a British National, a Montessori teacher currently running a school known as Fort Jesus Academy in Mombasa. She married Respondent M J M on the 18th May, 1985 in Westminster City in the United Kingdom. There is a certificate of marriage from United Kingdom exhibited here, marked Exhibit 1. Since that marriage the couple have lived in several places including Nyali in Mombasa, from where she separated from her husband 19 months ago. The Respondent is a Kenyan National and is a Moslem. This Petition is not contested by the Respondent, and has been certified as an uncontested petition by the Deputy Registrar. The Petitioner based her grounds on cruelty saying in her evidence to this court that the Respondent treated her with acts of violence by physically assaulting her and continually shouting at her and thereby degrading and embarrassing her. This has resulted in her developing High Blood Pressure and has caused her anguish. She says as a result of it she is now under medication.

What court needs to be satisfied about on a petition based on cruelty is that the acts complained of by the Respondent were severe enough and in themselves were harmful to the petitioner and caused the petitioner harm or affected the petitioner's health. It is her evidence that the Respondent was physically high handed in his treatment of her the Petitioner, and that this treatment has resulted in the Petitioner developing high blood pressure a condition which has degraded her health. I think in the circumstances and as these allegations are not disputed the Petitioner's case of cruelty against her husband is proved on the balance of probabilities and as there is no evidence of condonations, collusion or connivance., I think this is an appropriate case for dissolution of this marriage which I hereby do and I direct that a decree nisi to issue straightaway and to be made absolute within 3 months of this order.

Costs not provided.

**Dated this 23<sup>r</sup> Day of October, 2000.**

**A.I. HAYANGA**

**JUDGE**