



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 5 OF 2018**

**P.A.S.A.....PETITIONER**

**VERSUS**

**F.A.D..... RESPONDENT**

**JUDGMENT**

1. The petitioner P.A.S.A. and the respondent F.A.D. got married on 14<sup>th</sup> August 1986 at Islington, in the London Borough of Islington, England. They lived together at various places in Kenya until 20<sup>th</sup> July 2016 when they separated owing to irreconcilable differences. They have lived apart and not cohabited, since.
2. The marriage was blessed with two children who are now both above 18.
3. On 2<sup>nd</sup> October 2018 the petitioner filed this petition seeking the dissolution of the marriage on grounds that the parties have lived separately since 20<sup>th</sup> July 2016 and that the marriage has broken down beyond repair.
4. The respondent was served, and entered appearance, but did not file answer to the petition. On 9<sup>th</sup> May 2019 the petitioner tendered oral evidence. The respondent, despite service, did not attend.
5. The uncontroverted evidence by the petitioner was that the parties ceased to cohabit on 20<sup>th</sup> July 2016 when they began living separately. She stated that the marriage has broken down and cannot be repaired.
6. I accept the petitioner's evidence. I find that the marriage between her and the respondent has broken down irretrievably. On that ground, I order the dissolution of the marriage. *Decree nisi* shall issue and become absolute after 30 days.
7. The petitioner did not want costs.

**DATED and DELIVERED at NAIROBI this 16<sup>TH</sup> day of MAY 2019.**

**A.O. MUCHELULE**

**JUDGE**