



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO. 108 OF 2014

BETWEEN

VN.....PETITIONER

AND

PB.....RESPONDENT

JUDGMENT

1. VN (Petitioner) moved this court by way of a Petition dated 12th May 2014 against PB (Respondent).

2. In the said Petition orders being sought are: -

a. Dissolution of the marriage between the two.

b. That custody of the children be granted to the Respondent with the Petitioner getting unlimited access until such time the Petitioner's financial status stabilizes.

c. Costs.

3. Despite service of the summons to appear and the Petition, the Respondent did not enter an appearance nor file a response to the Petition and the matter having been certified as an undefended cause, proceeded as such on the 14th March, 2019.

4. The Parties contract a civil marriage on the 25th of July, 2000 in Nairobi within the Republic of Kenya. And during the subsistence of the marriage the parties resided in: -

i. [Particulars Withheld] Estate Golf Course 2- 2000-2006

ii. [Particulars Withheld] Estate High View 1 -2006 to 2010

5. The union between the Petitioner and Respondent was blessed with two children as follows; -

i. BIHB, born on 7th March, 2001; and

ii. CSB, born on 3rd July, 2004 May, 2010.

6. It is the Petitioner's case that the marriage between them has irretrievably broken down, and the two have been living separately since 2010.

7. The Petitioner stated in her Petition that the Respondent treated her with cruelty and subjected the Petitioner to untold and unbearable mental and Psychological torture. Particulars cited are as follows; -

- Failing to support the family emotionally, & psychologically,

- Openly associating with other women, known and unknown to the Petitioner
- Committing adultery
- Deliberating spending nights outside of the matrimonial home
- Leaving the matrimonial home.

8. At the hearing the Petitioner reiterated her grounds mentioned above. She informed the court that both of them are from Rwanda but live in Kenya. They have lived apart since 2010. She has custody of the two children who are school going. Further she testified that the respondent has been paying school fees for the children save for the last term when the Petitioner paid. The eldest child is 18 years. And she seeks custody of the second child.

9. Having considered the Petition and evidence of the Petitioner on record and in the absence of an answer to the Petition and evidence challenging the evidence adduced by the Petitioner.

10. I am of the opinion that the Petitioner has proved her grounds. I find that due to the Respondent's cruelty as enumerated above the parties have irreconcilable differences hence the marriage has broken down irretrievably. I also take note of the fact that the parties have lived apart for more than 8 years.

11. Consequently, the marriage between **VN &**

PN that was solemnised on the 25th of July, 2000 be and is hereby dissolved.

12. Custody of **CSB** be and is hereby granted to the Petitioner.

13. The Decree Nisi be made absolute within 30 days.

14. Costs of the suit to the Petitioner.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF MAY, 2019.

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ALI-ARONI

JUDGE

In the presence of:

Petitioner.....

Respondent.....