



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 4 OF 2019**

**MS.....PETITIONER**

**VERSUS**

**BEG.....RESPONDENT**

**JUDGMENT**

1. The petitioner MS and the respondent BEG live and work in Nairobi, Kenya. They got married on 4<sup>th</sup> November 2005 in Amsterdam in Netherlands. They lived in various places before they came to Kenya in 2014. They have two children NGS and LGS who were born on 19<sup>th</sup> September 2004 and 5<sup>th</sup> May 2007, respectively.

2. On 3<sup>rd</sup> April 2019 the petitioner filed this petition seeking the dissolution of the marriage on the ground that the marriage has broken down irretrievably, the parties now living separate and apart since 1<sup>st</sup> December 2016. The respondent was served but did not file response. The petitioner testified to the fact that the parties have since 1<sup>st</sup> December 2016 been living separately and apart. She swore that the marriage has broken down beyond repair.

3. I accept the evidence of the petitioner. On the ground that the marriage between the petitioner and the respondent has irretrievably broken down, I order its dissolution. *Decree nisi* shall issue immediately, and shall become absolute after 30 days.

4. The agreement dated 11<sup>th</sup> July 2019 and 4<sup>th</sup> November 2019 between the petitioner and the respondent regarding the custody, access, care, education and maintenance of the two children shall form part of this judgment.

5. I make no orders as to costs.

**DATED and DELIVERED at NAIROBI this 7<sup>TH</sup> NOVEMBER 2019.**

**A.O. MUCHELULE**

**JUDGE**