

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

CIVIL CASE NO. 32 OF 2018 (O.S.)

(Formerly Milimani Commercial Divorce No. 237 of 2008)

J.M.K.M.....PETITIONER

VERSUS

S.M.K.....RESPONDENT

JUDGMENT

1. The petitioner J.M.K.M. and the respondent S.M.K. got married on 29th March 1986 in Meru, Kenya. They are both domiciled in the Republic of Kenya. The marriage was blessed with two children aged 31 and 29 years, respectively.
2. On 8th August 2008 the petitioner filed this petition seeking the dissolution of the marriage on grounds of cruelty whose particulars were given. The respondent filed an answer and a cross-petition for divorce on 3rd September 2008 denying the allegations by the petitioner. He accused the petitioner of being cruel towards him and of inciting their children against him. He pleaded that the relationship between the two had irretrievably broken down and asked the court to dissolve their marriage.
3. During the hearing of the petition, the petitioner was represented by Mr. Narangwi while the respondent was represented by Mr. Kurauka. Both parties were present in court and adopted their respective petition and cross-petition and the grounds therein.
4. From the evidence given in court, the parties stay in the same compound (in the matrimonial home) but do not talk to each other. According to the petitioner, there has been no sexual relationship for 17 years. The respondent stated that they last sexually related 10 years ago. Each testified that the marriage has broken down beyond repair. I find that, for all purposes, this marriage ended many years ago.
5. On the basis that the petitioner and the respondent have irreconcilable differences, I allow both the petition and the cross-petition. The marriage between them is hereby dissolved. *Decree nisi* shall issue immediately, and become absolute after 30 days.
6. In the circumstances of the case, each party shall bear own costs.

DATED and SIGNED at NAIROBI this 5TH day of OCTOBER 2018

A.O. MUCHELULE

JUDGE