

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 145 OF 2010

J.M.K.....PETITIONER

VERSUS

C.A.O.....RESPONDENT

JUDGMENT

1. This cause was filed on 8th November 2010 by the petitioner who sought the dissolution of the marriage between him and the respondent. The marriage was celebrated on 14th September 2007 at the office of the Registrar of Marriages in Nairobi. The marriage was not blessed with any children. The respondent was served with the petition but failed to enter appearance or file an answer. The cause was heard by Justice M.G. Mugo on 5th July 2012 who adjourned it for judgment. She retired before the delivery of the judgment. The matter came before me on 31st January 2017. I issued notice to the parties to come on 9th February 2017. Counsel for the petitioner attended and agreed that I take over the cause and proceed to prepare and deliver this judgment. The delay in the disposal of this cause is regretted.

2. The petitioner testified that the respondent moved out of the matrimonial home in 2009 and since then the two have lived apart. The desertion followed an acrimonious relationship which was blamed on the respondent. The petitioner testified that the respondent was abusive, she would come home late and drunk, had once infected him with a sexually transmitted disease (which showed that she was having an extra-marital affair), and when he sought the intervention of his mother she abused her. When she deserted she became pregnant by another man and delivered a child. He stated that these acts had lowered his self esteem and demoralized him. He sought divorce.

3. The evidence of the petitioner was not controverted. It clearly proved that the respondent was cruel to him, and had committed acts of adultery. On the two grounds, I order the dissolution of the marriage between the petitioner and the respondent. *Decree nisi* shall issue immediately and shall become absolute after thirty (30) days. I make no order as to costs.

DATED and DELIVERED at NAIROBI this 13TH FEBRUARY 2017

A. O. MUCHELULE

JUDGE