



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 204 OF 2014**

**K K I.....PETITIONER**

**VERSUS**

**J M A.....RESPONDENT**

**JUDGEMENT**

1. Marriage was celebrated between the parties herein on 29<sup>th</sup> November 2008 at the Registrar's Office at Nairobi. A certificate of marriage, serial number [particulars withheld] was duly issued under the Marriage Act, Cap 150, Laws of Kenya (now repealed). The parties cohabited at Mombasa as husband and wife. The couple was not blessed with issue.

2. The petition herein was filed on 14<sup>th</sup> October 2014. It seeks dissolution of the marriage. The petitioner accuses the respondent of cruelty and desertion. He is said to be disrespectful to the petitioner, of ignoring and disregarding her, and of failing to honour and show love and attention to her.

3. The petitioner allegedly left the matrimonial home in March 2009 because of the alleged cruelty, and she pleads that the respondent forced her by his cruelty to leave to avoid mental anguish. She accuses him of keeping her out of his life and affairs for more than five years.

4. The petition was served as evidenced by the affidavit of service on record sworn by Kevin I. Siema on 27<sup>th</sup> August 2015. He never appeared nor filed answer or cross-petition. The cause was subsequently cleared and certified by the Deputy Registrar on 22<sup>nd</sup> September 2016 to proceed as undefended.

5. The matter was heard on 10<sup>th</sup> October 2016. The petitioner testified. In her testimony she gave vent to the allegations made in her petition. As the cause was undefended the petitioner's testimony was not controverted.

6. From the material placed before me it is plain that the marital relationship between the petitioner and the respondent has totally broken down. I have noted from the testimony of the petitioner that the parties have been living apart since 2009.

7. In the circumstances, I am moved to make the following final orders:-

**a. That I allow the petition herein dated 14<sup>th</sup> October 2014 and decree that the marriage between the petitioner and the respondent, celebrated on 29<sup>th</sup> November 2008, is hereby dissolved;**

**b. That decree *nisi* shall issue forthwith, to be made absolute after thirty (30) days; and**

**c. That there shall be no order as to costs.**

**DATED, SIGNED and DELIVERED at NAIROBI this 3<sup>RD</sup> DAY OF FEBRUARY, 2017.**

**W. MUSYOKA**

**JUDGE**