



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 212 'A' OF 2014**

**S F E.....PETITIONER**

**VERSUS**

**D S.....RESPONDENT**

**JUDGEMENT**

1. Marriage was celebrated between the parties herein on 4<sup>th</sup> December 2007 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of marriage, serial number [particulars withheld] was duly issued under the Marriage Act, Cap 150, Laws of Kenya (now repealed).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 couple cohabited at Ruaraka, Nairobi as husband and wife. They were blessed with issue, two children – H N (born on 24<sup>th</sup> May 2008) and L F E (born on 18<sup>th</sup> August 2009).

2. The petition herein was filed on 3<sup>rd</sup> November 2014. The petitioner accuses the respondent of cruelty. She is said to have taken loans from various banks without informing the respondent, not visiting him when he was hospitalised for eight days, constantly engaging in dirty telephone conversations to unknown male persons, orchestrating his dismissal from the police force, moving house without informing him, among others. He seeks dissolution of the marriage.

3. The petition was served as evidenced by the affidavit of service on record sworn by Victor Mulanga Makumba on 8<sup>th</sup> January 2015. She never appeared nor filed answer or cross-petition. The cause was subsequently cleared and certified by the Deputy Registrar on 21<sup>st</sup> April 2016 to proceed as undefended.

4. The matter was heard on 11<sup>th</sup> October 2016. The petitioner testified. In his testimony he gave vent to the allegations made in his petition. As the cause was undefended the petitioner's testimony was not controverted.

5. 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 2010.

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

**(a) That I allow the petition herein dated 30<sup>th</sup> October 2014 and decree that the marriage between the petitioner and the respondent, celebrated on 4<sup>th</sup> December 2007, 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**