

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 139 OF 2015

S.S1.....PETITIONER

VERSUS

S.S2.....RESPONDENT

JUDGMENT

1. The petitioner S.S1 filed this petition on 16th October 2015 and served it on the respondent S.S2 who did not respond. The Cause was therefore undefended. Evidence was given which was not challenged.

2. The petitioner's case was that on 23rd April 2006 she married the respondent at a Sikh Temple at Gurdwara Kalgidhar, Sadar Bazar, Agra, India. They came to Kenya and formalised the marriage at the Registrar's Office in Nairobi under the **Marriage Act Cap 150** (now repealed). They cohabited at various times at [particulars withheld] Apartments in Westlands Avenue, Nairobi; [particulars withheld] Apartments, Parklands Avenue, Nairobi; and along Githunguri Road in Kileleshwa in Nairobi. The marriage was not blessed with any children. The couple stopped staying together in October 2015 when the petitioner moved out of the matrimonial home. Her reasons for moving out were that the respondent was violent, virulent and of uncontrolled temper. On various occasions he physically assaulted her and shouted at her using vulgar language. These were done both in private and in public. He engaged in flirtatious, salacious and illicit activities with women outside the marriage. This left a trail of lewd, suggestive and intimate electronic and social media communication, some which she produced in evidence. All these actions caused the petitioner extreme mental anguish, pain and torture. This is because the actions were continuous and persistent. The petitioner became constantly under fear for her life and limb. This is what led to her leaving the matrimonial home.

3. On this evidence, I find that the respondent was cruel to the petitioner during the marriage. It is also clear that the marriage has broken down beyond repair. I order the dissolution of the marriage (both Sikh and Civil) between the petitioner and the respondent. *Decree nisi* shall issue immediately and become absolute after 30 days.

DATED and DELIVERED at NAIROBI this 14th day of April 2016

A.O. MUCHELULE

JUDGE