



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 16 OF 2013**

**B.A.A.....PETITIONER**

**VERSUS**

**S.O.A.....RESPONDENT**

**JUDGMENT**

1. The petitioner and the respondent got married in 1988 under Luo customary law and lived at *[particulars withheld]* Estate in Nairobi and later at Southlands Estate in Nairobi. The marriage was blessed with three children as follows:-

- a) E A, born in April, 1983,
- b) E A, born in October, 1990; and
- c) B A, born in September, 1992.

In October, 2004 the parties separated and have not lived together since. The petitioner blamed this situation on the cruelty of the respondent and his failure to provide for the family. She also blamed this on adultery. On 24<sup>th</sup> January 2013 she filed this petition seeking the dissolution of the marriage. She stated that the marriage had broken down beyond repair. With the petition was filed an affidavit enumerating the problems the petitioner had with the respondent.

2. The respondent was served with the petition but neither entered appearance nor filed a reply. The petition was not defended.

3. I accept that a marriage where the couple has lived apart for twelve (12) years has no chance of survival. It cannot be salvaged. I allow the petition and order the marriage dissolved. I ask the respondent to pay the costs of the petition.

**SIGNED at NAIROBI this 14<sup>th</sup> day of NOVEMBER 2016.**

**A.O. MUCHELULE**

**JUDGE**

**DATED and DELIVERED at NAIROBI this 17<sup>th</sup> NOVEMBER 2016.**

**R.E. OUGO**

**JUDGE**