



**REPUBLIC OF KENYA**

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

**Divorce Cause No. 184 Of 2014**

**BETWEEN**

**B L M.....PETITIONER**

**AND**

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

**JUDGEMENT**

1. Marriage was celebrated between the parties herein on 12<sup>th</sup> May 2009 at the office of the Registrar of Marriages, Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at Buru Buru, Umoja Estate and Kahawa Wendani all in Nairobi, Kenya, as husband and wife. They had even been cohabiting since 2005 prior to the celebration of the statutory marriage. The couple was blessed with one issue – R J M M (born in 2008).
2. The petition in this matter was filed in court on 10<sup>th</sup> September 2013. The petitioner seeks dissolution of their marriage on the grounds of cruelty, desertion and adultery. The particulars of cruelty being that the respondent has caused the petitioner mental, psychological anguish and torture, hurling unprintable abuses at the petitioner making all manner of unsubstantiated and wild allegations, and failing or neglecting to provide physical and emotional needs of the petitioner.
3. The particulars of respondent's desertion are that he moved in with another woman into the matrimonial home, the parties have not lived together as husband and wife since January 2012, and has neglected the petitioner since February 2012. The details of adultery are that the respondent had moved in with another woman in 2012 after the petitioner left for the United Arab Emirates. He is said to cohabit with the said woman to date, and she is said to have had a child with him.
4. On 13<sup>th</sup> November 2014 the Deputy Registrar certified that the matter proceeds for hearing as an undefended cause. There is no reply to the petition and therefore the petitioner's allegations, as made in the petition, remain uncontroverted.
5. The petitioner testified on 4<sup>th</sup> December 2014 and gave vent to the allegations made in her petition. No counter evidence was given by the respondent, and therefore the petitioner's story was not controverted.
6. It would appear to me that the marriage between the parties herein has irretrievably broken down. It would also appear to me that there has been no collusion between the petitioner and the respondent in the bringing of these proceedings. There is also no evidence that the petitioner has condoned the adultery and cruelty proved at the hearing.
7. I am disposed to make the following orders: -
  - a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 12<sup>th</sup> May 2009;
  - b. That decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days; and

c. That there will be no orders as to costs.

**DATED, SIGNED and DELIVERED at NAIROBI this 6th DAY OF MARCH 2015.**

**W. MUSYOKA**

**JUDGE**