

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 225 OF 2014

G.W.M.....PETITIONER

VERSUS

S.G.N.....RESPONDENT

JUDGMENT

1. The petitioner and respondent are both Kenyan Citizens who got married on 29th May 2007 at the Registrar's Office in Nairobi within Kenya. The parties are no longer cohabiting and there are no issues to the said marriage.
2. On 18th November 2014 the Petitioner filed this petition seeking the dissolution of their marriage on ground of cruelty. It was her case that the respondent has not only treated her with utmost cruelty but has also shown her nothing but utter contempt and disrespect. She gave the particulars in which she claimed that the respondent is a person of ungovernable tempers and temperament who has engaged her in serious rows and quarrels over the years.
3. She further stated that the respondent has been guilty of adultery and has been cohabiting in an adulterous union with one W. That for her own safety she left the matrimonial home in February 2012 and the parties remain separated to date. As a result of the aforementioned, she averred that the marriage has irretrievably broken down and the differences are irreconcilable. She thus prayed for dissolution of the marriage as well as costs.
4. Despite being duly served with a notice to appear, the Respondent did not enter appearance nor reply to the petition. The court thus gave directions for the Cause to proceed undefended. The Petitioner gave her oral testimony in court during which she testified that subsequent to their marriage, they got one child who has since passed on. That they have not been staying together since February 2012 as she walked out due to the respondent's violence. She testified that the respondent would physically assault her on a daily basis. It is for these reasons that she prayed that the marriage dissolved.
5. I accept the Petitioner's evidence and find that the respondent was guilty of cruelty. On the ground I order the dissolution of the marriage. *Decree Nisi* shall issue forthwith and shall become absolute after the expiry of 30 days. There petitioner to bear own costs.

DATED at NAIROBI this 7th day of April 2015

A.O. MUCHELULE

JUDGE

DELIVERED at NAIROBI this 7th day of April; 2015

W. MUSYOKA

JUDGE