

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

DIVORCE CAUSE NO. 4 OF 2011

GKM.....PETITIONER

VERSUS

MKM.....RESPONDENT

JUDGMENT

1. The Petitioner, GKM petitioned this court for the dissolution of the marriage between him and the Respondent, MKM. It is the Petitioner's case that they got married under customary law in the year 1988 and later under the Marriage Act (*Cap. 150 of the Laws of Kenya*). That their marriage was blessed with two issues but the marriage has irrevocably broken down. The Petitioner blames the breakdown of the marriage on adultery, cruelty and desertion from the Respondent.
2. The Respondent in answer to the petition blames the breakdown on the Petitioner. She blames the Petitioner for having deserted her.
3. The Petitioner in his evidence produced a copy of the marriage certificate. He accused the Respondent of having extra marital affairs and engaging in consumption of alcohol and finally deserting the matrimonial home in the year 1997. According to the Petitioner, he made efforts through the elders to salvage the marriage but it did not work out, hence this petition.
4. The Respondent denied all the allegations leveled against her and blamed the Petitioner for chasing her away from the matrimonial home then started living there with his lover. The Respondent also wishes to have the marriage dissolved as the same has broken down.
5. It is common ground that the parties herein were blessed with two issues of the marriage who are now adults. Both the Petitioner and the Respondent want the marriage dissolved. With the two having lived their separate lives for a period of about eighteen (18) years, it seems the marriage has irretrievably broken down and cannot be salvaged. Consequently, I declare the marriage dissolved. Each party to meet their costs. A **decree nisi** to issue upon the expiry of six (6) months from the date hereof.

B. THURANIRA JADEN

Dated and delivered at Machakos this 6th day of May, 2015

B. THURANIRA JADEN

JUDGE