

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO.130 OF 2013

R.S.B.....PETITIONER

VERSUS

S.K.....RESPONDENT

JUDGMENT

1. The petitioner R.S.B. and the respondent S.K. got married on 3/10/06 at Amistar Town in Punjab in India. The petitioner is a Kenyan Citizen and the respondent an Indian citizen. This was an arranged marriage. The couple came to Kenya after six weeks and began to cohabit at the **[particulars withheld]** Apartments no. **[particulars withheld]** on Lenana Road in Nairobi.
2. The unchallenged evidence of the petitioner was that the respondent saw some old photos of women in his phone and began to allege that he was having affairs with the women. She quarrelled him constantly, fought him and attempted to commit suicide. The constant quarrels attracted the attention of neighbours. In February 2007 she threw tantrums, broke utensils and tried to strangle herself. Neighbours called the police who came. She disappeared from the house and did not return. The petitioner looked for her everywhere, including hospitals and mortuaries. One day she called from India looking for money. Later on he was asked by his temple elder whom he found with a man called J S. The man produced to him a marriage certificate indicating that he had on 23/3/09 married the respondent.
3. These are the reasons why the petitioner seeks the dissolution of his marriage to the respondent. He stated that her conduct before she left caused him mental anguish and that it was cruel. Then there was the desertion and her subsequent marriage to J S.
4. The petition was served but did not elicit any response. I find that the respondent was guilty of cruelty, desertion and bigamy. I grant the petition and order the dissolution of the marriage between the petitioner and the respondent. Decree *nisi* shall issue immediately and shall become absolute after 30 days. The respondent shall pay costs of the petition.

DATED and DELIVERED at NAIROBI this 4th June 2015.

A.O. MUCHELULE

JUDGE