



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 113 OF 2005**

**D. M. ....PETITIONER**

**VERSUS**

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

**JUDGMENT**

1. The petitioner and the respondent are Kenyan citizens who got married on 31<sup>st</sup> July 1976 at Kenya Airforce, Eastleigh in Nairobi under the **Marriage Act (Cap. 150)**. They cohabited as husband and wife at various places in Kenya and the United States of America. The marriage was blessed with four children, all of whom are adults. The petitioner is a retired Kenya Airforce officer while the respondent is a business lady in Nairobi.
2. The petitioner filed this petition on 24<sup>th</sup> August 2005 and amended it on 15<sup>th</sup> December 2014 seeking the dissolution of the marriage on grounds of adultery, cruelty and wilful neglect. The petition was served but did not elicit any response. Consequently, the petitioner's evidence was not challenged.
3. The petitioner's evidence was that the couple stopped living together and cohabiting in 1990. That is about 25 years. He stated that in 1990 the respondent variously slept with one W M, and between 1980 and 1985 she variously slept with one A G. During these periods, the respondent showed no love or emotion to the petitioner. She directed insults and unkind words towards the petitioner, who felt unwanted and unloved as a result. She denied him conjugal rights and intimacy. It was the evidence of the petitioner that the marriage between them has irretrievably broken down.
4. On this evidence, I find the grounds of cruelty and adultery proved against the respondent. The marriage between the two has broken down beyond repair. I order the dissolution of the marriage. *Decree Nisi* shall issue and shall become absolute after 30 days. The petitioner did not want costs of the petition.

**DATED and DELIVERED at NAIROBI this 2<sup>nd</sup> July 2015.**

**A.O. MUCHELULE**

**JUDGE**