

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MALINDI

DIVORCE CAUSE NO.9 OF 2015

M T.....PETITIONER

VRS

K K CRESPONDENT

JUDGMENT

The petitioner got married to the respondent on 20th March, 2012 at the Mombasa Registrar's Office. On 4th May, 2015, the petitioner filed this petition seeking to have the marriage dissolved. The respondent was duly served but failed to defend the petition.

The petitioner testified that she comes from Italy. She got married to the respondent and they lived in Watamu. The respondent has become a drugs addict. She has taken him to a rehabilitation centre but to no avail. She has given him money to buy land where they could put up a house but the respondent failed to do so. The respondent is now abusive and keeps on asking for money to buy drugs. He has become violent and she has reported to the police.

It is her evidence that the respondent initially agreed to go for rehabilitation and she even paid for the expense but the respondent ran away from the rehabilitation centre. The respondent has now resorted to selling items from their home.

From the evidence of the petitioner and the petition itself, it is clear to me that there is no love between the two parties. The respondent seems to be taking advantage of the petitioner. The petition states that the petitioner gave the respondent ksh.6,000,000/- to buy a house but the respondent squandered the money. She bought a car for ksh.600,000/- as well as a motor cycle but all of them have been misused.

From the evidence on record, I do find that the petitioner has proved her case to the required standard. It is evident that the petitioner has been subjected to cruelty by the respondent. The respondent seems to have entered into the marriage for his own financial gain. The marriage has irretrievably broken down and there is no hope of reconciliation.

In the end, I do grant the petitioner's prayer to have the marriage declared as dissolved. The marriage between the petitioner and the respondent is hereby declared as dissolved. Each party shall meet their own costs.

Dated, signed and delivered at Malindi this 8th day of October, 2015.

SAID J. CHITEMBWE

JUDGE