

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 151 OF 2012

BETWEEN

N M O.....Petitioner

And

J M R.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 31st March 2002 at the Office of Registrar of Marriage at Nairobi. A certificate of marriage serial number ***[particulars withheld]*** was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at Gesonso in Kisii as husband and wife. The couple was blessed with one issue – N O M – born on 3rd May 20020.
2. The petition in this matter was filed on 15th August 2012. The petitioner accuses the respondent of cruelty. She is said to be a drug and alcohol addict, who neglected her family. As a consequence of the addiction she is said to have mood swings between hatred, ungovernable tempers, quick anger, indifference and irresponsibility. Particulars of the cruelty are set out in detail in the petition.
3. The petition was served on the respondent on 17th January 2013. There is an affidavit of service to evidence the same. She did not appear nor file answer to the divorce petition. On 11th April 2013 the Deputy Registrar certified that the matter proceeds for hearing as an undefended cause. As there is no reply, the petitioner's allegations, as made in the petition, remain uncontroverted.
4. The petitioner testified on 29th September 2013 and gave vent to the allegations made in his petition. No counter evidence was given by the respondent, and therefore the petitioner's story was not controverted.
5. It would appear to me that the marriage between the parties herein has irretrievably broken down. It would also appear to me that there has been no collusion between the petitioner and the respondent in the bringing of these proceedings. There is also no evidence that the petitioner has condoned the adultery.
6. I hereby dissolve the marriage celebrated between the petitioner and respondent on 31st March 2002. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. Custody of the minor N O M is granted to the petitioner. There will be no orders as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF March, 2014.

W. MUSYOKA

JUDGE