

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 189 OF 2012

BETWEEN

P S.....PETITIONER

AND

R S.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 27th September 2009 at Riverside in Nairobi. A certificate of marriage was issued to them in accordance with the relevant law. The couple thereafter cohabited in Nairobi, Kenya, as husband and wife. The couple was not blessed with issue.
2. The petition in this matter was filed in court on 17th October 2012. The petitioner accuses the respondent of extreme cruelty. He is said to have been visiting physical violence on the petitioner. On occasions he would be assisted in the assault on the petitioner by his mother and other family members. When the petitioner got pregnant, the respondent caused her to terminate the pregnancy.
3. The petition was served on the respondent who entered appearance and filed answer to petition. He accuses the petitioner of cruelty. He describes her as violent and intemperate. She is further accused of threatening the respondent that he would never see his unborn child. He has also accused her of desertion, by leaving the matrimonial home on 25th August 2012 never to come back. The petitioner has countered these allegations in her reply dated 28th May 2013.
4. The matter was cleared 27th June 2013 to proceed as a defend cause.
5. The matter was heard on 19th September 2013. The petitioner attended court and testified giving vent to the allegations made in her petition. The respondent did not attend court and therefore he did not testify, hence no counter evidence was given by the respondent to contradict the petitioner's story.
6. 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 desertion, cruelty and adultery.
7. I hereby dissolve the marriage celebrated between the petitioner and respondent on 27th September 2009. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. There will be no orders as to costs.

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

W. MUSYOKA

JUDGE