

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

DIVORCE CAUSE NO. 6 'A' OF 2011

B N K PETITIONER

VERSUS

E K KRESPONDENT

RULING

1. The Petitioner, **B N K** vide the petition dated 14/12/11 sued the Respondent, **E K K** praying that the marriage between them be dissolved. The Petitioner accused the Respondent of cruelty and adultery. The Respondent filed the notice of admission dated 19/3/12 and stated that he consented to the petition and was not opposed to the dissolution of the marriage.
2. During the hearing of the petition, the Petitioner produced the Marriage Certificate which reflects that the marriage was conducted on 6/9/1994 under the **Marriage Act Cap 150 Laws of Kenya**. The marriage was blessed with two off springs who are now adults. It was the Petitioner's evidence that the Respondent now lives with one **P L** as man and wife. The Petitioner further testified that the Respondent stopped maintaining her and the children, cut off communication, denied her conjugal rights and was adulterous.
3. The Respondent did not attend court on the hearing date though served.
4. I have considered the evidence by the Petitioner. I am satisfied that the Petitioner has proved her case on a balance of probability. I therefore declare the marriage between the Petitioner and the Respondent dissolved. Decree Nisi to issue and the same to be made absolute after the lapse of six (6) months.

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B. THURANIRA JADEN

JUDGE

Dated and delivered at Machakos this **15th** day of **May** 2014.

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B. THURANIRA JADEN

JUDGE