



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**DIVORCE CAUSE NUMBER 70 OF 2014**

**S J S S.....PETITIONER**

**VERSUS**

**R K .....RESPONDENT**

**JUDGMENT**

1. The petitioner and the respondent got married on 12<sup>th</sup> July 2000 at the Registrar's office, Nairobi. They lived and cohabited in Nairobi, and the marriage was blessed with two children:
  - a. N K – female – born on 21<sup>st</sup> December 2007; and
  - b. A K – male – born on 21<sup>st</sup> October 2010.
2. The couple ceased to cohabit in May 2014. The petitioner's case is that, during the marriage, the respondent was of ungoverned temper, often flying into a fit of rage; was verbally abusive and argumentative; and was intolerant and unsupportive. These have caused her great psychological and emotional stress and anxiety. She considers these acts and conduct to be cruel. The court agrees with her.
3. On ground of cruelty, I order the dissolution of the marriage between the petitioner and the respondent. *Decree Nisi* shall issue forthwith. It shall be made absolute within 30 days.
4. The parties entered into a written agreement regarding custody, care and control of the children of the marriage. The agreement was filed and it was agreed that it be adopted as part of the judgment. This is hereby done.
5. For purposes of emphasis only, the parties shall have joint custody of the children with the petitioner retaining care and control of them until they are of age. The respondent shall have reasonable access to the children at agreed times. Neither party shall take the children out of jurisdiction without the written consent of the other, or without an order of the High Court at Nairobi. Decision relating to the children's education shall be made jointly. Such decision shall always reflect the best interest of the children. The respondent shall monthly pay to the petitioner Ksh.100,000/= towards the children's upkeep. The petitioner shall provide a Health Care Plan for the children until they are of age.
6. Lastly, the parties shall equally share the costs of this petition.

**DATED and DELIVERED at NAIROBI this 12<sup>th</sup> June 2014.**

**A.O. MUCHELULE**

**JUDGE**