

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 36 OF 2013

T I B.....PETITIONER

VERSES

P M K.....RESPONDENT

JUDGMENT

1. This petition was served on the respondent but did not elicit any response.
2. The petitioner's evidence was that on 20th August, 1990 at Registrar's Office in Mombasa he got married to respondent. They stayed at various places in Mombasa and Nairobi. The last residence was in Apartment [*particulars withheld*], Tinderet Avenue, off Kandara Road in Nairobi. The couple was blessed with four children as follows:
 - a. S D B born in September 1990;
 - b. I H B born in January 1994;
 - c. N M B born in June 1995; and
 - d. R R B born in May 1997;
3. The petition was founded on cruelty. Several incidents were mentioned. One, the respondent did not want the petitioner to go on safari. For instance, on 20th July 1993 he went on safari and came back to find that she had run away from home and was found alone on a rural road. Their child had been abandoned at home. On 22nd September 1996, he went on a trip with a group of friends and returned to find she had abandoned the children and gone to a house in Mombasa. Two, since 1997, she has been alleging that the petitioner's mother is a witch. She has been saying this to her friends. In 2009, she began telling her friends that the petitioner had committed an unnatural act with her, which was not true. This has caused the petitioner social distress and embarrassment.
4. In October 2012, the petitioner left her and the children in the matrimonial home and went to stay elsewhere, but continued to support her.
5. On the evidence, I find that the actions and behaviour by the respondent have caused the petitioner social distress and mental anguish. She has been cruel to the petitioner. On that ground I order the dissolution of the marriage between them. *Decree Nisi* shall issue immediately and shall become absolute after the statutory period.
6. This is a family dispute and therefore I make an order that each party shall bear own costs.

DATED and DELIVERED at NAIROBI this 6th June 2014.

A.O. MUCHELULE

JUDGE