

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 22 OF 2013

BETWEEN

N. W.....PETITIONER

AND

K. N. M.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 10th August 1984 at the Office of the Registrar of Marriages in Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at Umoja, Lower Kabete, Park Road, Pipeline and Ongata Rongai, all in Nairobi, Kenya, as husband and wife. The couple was blessed with two issues, who are now grown up.
2. The petition in this matter was filed in court on 29th January 2013. The petitioner accuses the respondent of cruelty. Particulars of the cruelty are detailed in the petition. The respondent is accused of immorality, sleeping around with his tenants housemaids and bar maids, ungovernable temper, drunken habits, physically assaulting the petitioner, threatening the petitioner with death, renting out the matrimonial home to tenants, cohabiting with a housemaid, leaving the matrimonial home and removing all the furniture and appliances leaving the petitioner destitute, among others.
3. The petition was served on the respondent and he did file appearance through counsel, and he did file answer to the divorce petition and a cross-petition. He accuses the petitioner of having deserted the matrimonial home meaning that the parties have not had sexual relations for over five years, moved residence from the matrimonial home to her own new residence, among others. The allegations made in these pleadings were denied by the petitioner in her reply to the answer and answer to the cross-petition.
4. On 16th May 2013 the Deputy Registrar certified that the matter proceeds for hearing as defended cause.
5. The matter was heard on 15th May 2014. The petitioner testified and gave vent to the allegations made in her petition. No counter evidence was given by the respondent as he did not attend court despite service, and therefore the petitioner's story was not controverted.
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 cruelty set out in her petition and narrated in court. At the hearing.
7. I hereby dissolve the marriage celebrated between the petitioner and respondent on 10th August 1984. 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 4th DAY OF July 2014.

W. MUSYOKA

JUDGE

In the presence of Miss. Ndegwa advocate for the applicants