



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
DIVORCE CAUSE NO 197 OF 2013

B. J. M.PETITIONER

VERSUS

D. M. M.RESPONDENT

JUDGMENT

The petitioner filed the petition on 6th September, 2013 that the marriage be dissolved on grounds of cruelty, desertion and adultery by the respondent. The particulars are outlined in paragraph II of the petition. The respondent was served and did not file any reply. The court gave a notice to appear in Court on 12th September, 2013 and the affidavit of service dated 29th September, 2013 confirmed service of the respondent.

On 29th November, 2013, the petitioner applied for Certificate that pleadings, were in order and despite service, the respondent did not file an answer to the petition. The matter was approved as an undefended cause to be heard for one (1) day. The respondent was served with the hearing notice for 25th September, 2014 and the affidavit of service was filed to confirm service.

B. J. M. gave sworn testimony on 25th September, 2014. She and the Respondent were married in 1970 and were issued with Marriage Certificate No. **[particulars withheld]** cohabited until 1992. During which time they got three (3) children born in 1970, 1972, and 1976 respectively and are now adults. The respondent was irresponsible during marriage; he did not take care of the family. They separated in Divorce Cause 33/92 she brought the children of the marriage up and they are now adults married with grandchildren except the third one. They are now independent.

She has lived in denial and wants to divorce the respondent and move on with her life. The petitioner produced the original marriage certificate produced as exhibit I. The Petitioner seeks the marriage be dissolved and claims no property or upkeep from the respondent. The children, the eldest son is in touch with the father. The marriage be dissolved on grounds of cruelty adultery and desertion as detailed in the petition.

The petition has confirmed to the Court that the marriage has irretrievably broken down as defined in section 66(6) (b) and (c) of Marriage Act 2013

a) The petition stated that there was cruelty and desertion as particularized in paragraph II of the petition.

- b) The Petitioner and Respondent have been separated since 1992, over twenty (22) years now.
- c) The petitioner has no financial or property claim against the respondent.
- a) The Court therefore grants dissolution of the marriage between the Petitioner and the Respondent.

A decree nisi to issue.

A decree absolute in 30 days.

- b) There are no orders as to division of matrimonial property as the Petitioner has no claim.
- c) No claim as regards the children of the marriage who are all adults.
- d) Each party to bear its own costs.

READ AND SIGNED AT NAIROBI THIS 6TH DAY OF OCTOBER , 2014

MARGARET MUIGAI

JUDGE

In the presence of:

Counsel for the Petitioner Mrs. Nyang.