

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI MILIMANI LAW COURTS
FAMILY DIVISION
DIVORCE CAUSE NO. 52 OF 2014

K K K.....PETITIONER

VERSUS

S S R.....RESPONDENT

JUDGMENT

1. The respondent was served with summons but did not enter appearance or file response to the petition. The petitioner tendered evidence which was therefore not challenged.
2. The evidence was that the petitioner and the respondent celebrated their marriage on 5th February 2011 at the Registrar of Marriages, Nairobi. The petitioner was expectant and delivered on 7th November 2011. The child is K K K. In total, the couple stayed together for only 16 days at the Westlands Estate.
3. The petitioner complained that the respondent was a violent man who beat her many times, even in public. There is P3 signed on 28th October 2011 to show injury. He abused her in public. He had erectile disfunction which he had not disclosed; he did not want her to associate with other people; and he was earning about Kshs.10 million in a year but would not provide for the family. He would ration food and lock her in the house. On 21st January 2012 he pushed her out of the house and dragged her to her father's house. The child has a heart condition but he renders no assistance to it.
4. I find that, on evidence, the respondent has been shown to have been cruel to the petitioner. Because of this, the marriage has broken beyond repair. I order the marriage dissolved. Decree *nisi* shall issue, and the same shall become absolute within 30 days.
5. The custody of K K K shall be granted to the petitioner.
6. The respondent shall pay the costs of this petition.

DATED and DELIVERED at NAIROBI this 15th October 2014

A.O. MUCHELULE

JUDGE