



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI MILIMANI LAW COURTS**  
**FAMILY DIVISION**

**DIVORCE CAUSE NO. 16 OF 2012**

**L W G.....PETITIONER**

**VERSUS**

**J K.....RESPONDENT**

**JUDGMENT**

1. The petitioner and the respondent got married on 9<sup>th</sup> January 2009 at the District Commissioner's Office at Kiambu West and thereafter lived together at Kikuyu. The marriage was blessed with one child, S N.
2. On 7<sup>th</sup> February 2012, the petitioner filed the petition seeking divorce on grounds of cruelty, adultery and desertion.
3. On 31<sup>st</sup> August 2012 the respondent filed answer to the petition and cross petitioned for divorce on ground of desertion.
4. Both the petitioner and the respondent pleaded that the marriage has irretrievably broken down.
5. The petitioner and the respondent each testified to say that they last stayed together in March 2010. They have had no conjugal relationship since that time.
6. The petitioner stated that during the time they lived together, the respondent was brutal. He would beat her, drink excessively and abuse her. This aspect of her evidence was not challenged. On the other hand, the respondent stated that it was the petitioner who deserted him by leaving the matrimonial home, never to return. While she was away, she changed the name of the child. She also went to Teachers Service Commission headquarters, her employer, and changed her name and her status to single. The evidence was not challenged.
7. I find that the petitioner is guilty of desertion and the respondent is guilty of cruelty. I find that, owing to the conduct of the couple, the marriage has irretrievably broken down.
8. Consequently, I order the dissolution of the marriage. Decree *nisi* shall issue and shall become absolute after 30 days. Each party shall pay own costs of the Cause.

**DATED and DELIVERED at NAIROBI this 1<sup>st</sup> October 2014**

**A.O. MUCHELULE**

**JUDGE**