



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**DIVORCE CAUSE NO 176 OF 2012**

**P K G.....PETITIONER**

**VERSUS**

**P G.....RESPONDENT**

**JUDGMENT**

The petitioner, P K G filed a petition on 28/9/2014 and sought the marriage between her and the Respondent dissolved on grounds of cruelty as detailed in the petition. She provided a copy of a marriage certificate – PW1 exhibit in court. The petitioner and respondent got married on 10/4/2010 and were issued with the marriage Certificate Number *[particulars withheld]*.

The respondent was served with the petition but failed to file answer to petition but entered appearance through the firm of Kivuva Omuga & Co. Advocates.

On 6/11/2012 the petitioner filed for the Registrar's certificate that the proceedings were in order and sought directions on the matter. The matter proceeded as an undefended cause on 25/9/2014.

The petitioner testified she and the respondent were married on 10/4/2010 under the Marriage Act Cap 150 (repealed) as shown in the marriage certificate attached to the petition. They lived in *[particulars withheld]* House Lodge. They did not have children of their marriage. The petitioner found the respondent cruel and sought to file for divorce before three years were over. She obtained leave to file the petition. She now sought the dissolution of marriage through the decree nisi and then absolute.

She claims from the husband, what was amicably agreed in a deed of settlement entered on 7/7/2012 and filed and produced in court as PW I – exhibit 2.

The court finds that the petitioner has proved her case before the court. The grounds of cruelty are particularized in paragraph five (5) of the petition. The Respondent did not support the Petitioner or show love and affection and was not a companion to the Petitioner. Despite service of the petition the Respondent did not reply or controvert the allegation in the petition. The petitioner obtained leave to file for divorce before three years were over. She has established that the marriage has irretrievably broken down and established the grounds as provided in section 66(2) and 5(b) and 6(b) under the Marriage Act 2013 on the grounds that;

- a. The attempts at reconciliation have failed

- b. Partners have been separated
- c. The petitioner established the grounds of cruelty particularized in paragraph 5 of the petition.

The Court therefore dissolves the marriage between the petitioner and respondent under section 66 of the Marriage Act 2014.

- a. The petitioner and respondent agreed on the mode of distribution of matrimonial property as per the deed filed on 7/5/2012 which is hereby certified as the order of the court.
- b. The costs shall be in the cause.
- c. Decree nisi to issue and within 30 days decree absolute.

M/s Ashubwe holding brief for Jan Mohammed for the petitioner.

**M. MUIGAI JUDGE**

**6/10/2014**