



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
DIVORCE CAUSE NO. 60 OF 2012

BETWEEN

C SPETITIONER

AND

D I S.....RESPONDENT

JUDGEMENT

1. On 1st December 2009 the Petitioner, then a spinster known as C S was lawfully married to the Respondent D I S then a bachelor in accordance with the **Marriage Act Cap 150 laws of Kenya** at the office of the Registrar of Marriages in Nairobi. A certificate Serial No. [*Particulars withheld*] was issued to them. After the celebration of their marriage they cohabited as husband and wife in Nairobi. There are no issues of the marriage. Both Petitioner and Respondent are domiciled in Kenya where the Petitioner carries out business and the Respondent is an employee of [*particulars withheld*] tyres respectively.
2. In the Petition filed on 12th April 2012 the Petitioner accuses the Respondent of adultery, cruelty and desertion. The particulars thereto are that during the pendency of the marriage the Respondent had love affairs with other women and subjected the Petitioner to mental anguish by forcing her to have sexual intercourse with him infecting her with a sexually transmitted disease. She further stated that the Respondent neglected his family duties and obligations.
3. The Petition was served upon the Respondent, who entered appearance and filed an answer to the petition together with a cross-petition. On 4th October 2012 the Deputy Registrar of this Division issued a certificate that this matter was suitable to proceed as a defended cause. The Petitioner testified on 9th October 2014 and basically summarised the grounds stated in the petition. She did not seek for maintenance from the Respondent. The Respondent who had been served with the hearing notice as evinced by the affidavit of service filed in court, did not attend court to testify.
4. In the cross-petition the Respondent denied the allegations made in the petition, and averred that he did not neglect his family duties. He stated that it was the Petitioner who had totally neglected her matrimonial duties, voluntarily deserted the matrimonial home, and undermined all efforts at reconciliation.
5. Both the Petitioner and the Respondent asserted that neither the petition nor the cross-petition respectively, had been filed in collusion with the other party nor did they condone or connive in

the acts of cruelty, adultery and neglect set out in their respective pleadings.

6. By reasons of the matrimonial offences set out in their respective pleadings each of the parties was of the opinion that the marriage had broken down irretrievably and was beyond salvage. Both the Petitioner and the Respondent prayed that the marriage between them be dissolved.
7. From the foregoing it is my considered view that the marriage between the Petitioner and the Respondent has irretrievably broken down and has no hope of being salvaged. The orders which do commend themselves to the circumstances of this case are as follows:
 - a. That the marriage celebrated between the Petitioner and Respondent at the Registrar's office in Nairobi on 1st December 2009 be and is hereby dissolved.
 - b. That Decree nisi dissolving the said marriage is hereby issued to be made absolute thirty (30) days from the date of this judgment.
 - c. There shall be no orders as to costs.

SIGNED DATED and DELIVERED in open court this **27th day of November 2014.**

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L. A. ACHODE

JUDGE