

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 22 OF 2011

B.K.K.....PETITIONER

Versus

C.A. B.....RESPONDENT

JUDGMENT

1. By a petition dated the 14th of February 2011 the petitioner seeks to dissolve the marriage between her and the respondent. The respondent was served with the petition on the 18th of July 2011 through a Daily newspaper advertisement. The petitioner was allowed to proceed with the cause as undefended after the respondent failed to respond to the petition.

2. On the 30th of October 2014 the petitioner testified as follows; that they solemnized their marriage on the 22nd of January 2010 at the Registrar's office in Mombasa and stayed together from 2009 to June 2010. Soon after their marriage they began to have issues. She discovered that the respondent had a relationship through messages and pictures she saw. When she tried to talk to him he became abusive. He also began drinking after their marriage. Then he began a relationship with their house girl. That one day on returning from work she found that he had moved out with the housegirl he took all his belongings and she has not heard from him since then. They were not blessed with any children during their marriage.

3. The petitioner testified that there is no possibility of reconciliation in the marriage and that she got an order that she files suit before the 3 years, from Misc. Application No. 103 of 2010, exhibit No.2.

4. Section 8 (1) (a) and (c) of the Matrimonial Causes Act outlines the grounds of divorce, being adultery and cruelty respectively. The petitioner's evidence on adultery in my view is inadequate to prove adultery ; however she narrated incidents of cruelty by the respondent. It is her evidence that the respondent walked out of the marriage and has not returned since then nor has she heard from him. The marriage between the petitioner and respondent has irretrievably broken down. There is no chance of reconciliation. The petitioner has not condoned or connived the acts of cruelty by the respondent.

5. Accordingly I dissolve the marriage between the petitioner and the respondent solemnized at the Registrar's office in Mombasa on the 22nd of January 2010. A Decree *nisi* to issue and to be made absolute with thirty (30) hereof. No order as to costs.

Orders accordingly.

Dated signed and delivered this 5th day of December 2014.

R. E OUGO

JUDGE

In the presence of;

.....For the Petitioner

.....Court Clerk