

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Divorce Cause 152 of 2011

M.N.N.....PETITIONER

AND

M.N.K.....RESPONDENT

JUDGEMENT

The petitioner in this matter married the respondent on 3rd August 1996 at a ceremony at St. Anthony of Padua Catholic Church, Newham, United Kingdom, in accordance with the relevant English law. A certificate of marriage was duly issued, copy of which is attached to the petition filed in court in this cause. The couple resided in London, Kiambu and Nyeri. There are three issues of the marriage – J.K.N, A.M.K and A.N.N.

The petition herein was filed in court on 21st September 2011. In it the petitioner alleges several matrimonial offences against the respondent. She accuses him of cruelty, adultery and desertion. She has particularised the allegations in the petition. The petition was served on the respondent, through her advocate, Ms D.M, on 17th January 2012. There is an affidavit of service on record filed in court on 12th March 2012. The respondent did not appear nor file an answer to the petition, and therefore the cause was cleared by the Deputy Registrar on 3rd May 2012 to proceed as an undefended cause.

The petitioner testified on 24th January 2013. She stated that the reason for seeking divorce was adultery. She alleged that the respondent had relationships with very many women right after they were wedded in church. They had quarrels and fights over his unfaithfulness. This led to several separations and physical assaults on her person by the respondent. In 2006 she was thrown out of the matrimonial home. After that he did not come after her, nor communicate with her in any way. He has never visited the petitioner or the children of the marriage. She stated that she had not condoned the adultery, cruelty and desertion. She further testified that there are no chances of reconciliation as the marriage has irretrievably broken down. This evidence was uncontroverted.

It appears to me that the marriage between the parties has completely broken down. It would also appear to me that there has been no collusion between the petitioner and the respondent in bringing these proceedings. There is also no evidence that the petitioner has condoned the adultery. It would appear too that there has been no collusion between the petitioner and the respondent to bring these proceedings.

I will allow the petition dated 12th September 2012. The marriage celebrated between the petitioner and respondent on 3rd August 1996 is hereby dissolved. Decree *nisi* shall issue forthwith, to be made absolute after thirty (30) days. There will be no orders as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 2ND DAY OF May , 2013.

W. M. MUSYOKA

JUDGE