



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO.56 OF 2012

BETWEEN

A K.....PETITIONER

AND

R W.....RESPONDENT

JUDGMENT

1. The petitioner married the respondent on 26th July 2003 at a ceremony at the office of the Registrar of Marriages in in the District of Newham, London, United Kingdom. A certificate of marriage No. [Particulars Withheld] was duly issued, copy of which is attached to the petition filed in court in this cause. The couple thereafter cohabited at addresses in London and Nairobi.
2. The petition herein was filed in court on 4th April 2012. In it the petitioner accuses the respondent of cruelty and desertion.
3. On cruelty it is alleged that the respondent neglected her duties wife and failed to meet the petitioner's emotional needs, she was disrespectful to the petitioner and his relatives, and that she made unrealistic financial and social demands on the petitioner. He avers that all these caused him mental and psychological torture.
4. The respondent is said to have left the matrimonial home on 11th July 2010, never to come back. The respondent has lived alone ever since.
5. The petition and the notice to appear were served on the respondent, and she entered appearance on 28th June 2012 and filed an answer to the petition. She denies all the allegations in the petition. She accuses the petitioner of refusing to reconcile.
6. The petitioner replied to this answer through a pleading filed in court on 24th August 2012. He denies the claim that he refused to support reconciliation, and counters that all efforts to reconcile failed.
7. The cause was cleared by the Deputy Registrar on 18th October 2012 to proceed as a defended cause.
8. When the matter came up for hearing on 23rd May 2013 it was only the petitioner who testified, and was cross-examined by counsel for the respondent. His testimony breathed life to the facts pleaded in his papers.

9. 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 condoned the cruelty and desertion by the respondent.

10. I will allow the petition dated 13th March 2012 on the grounds set out in the petition, and dissolve the marriage celebrated between the petitioner and respondent on 26th July 2003. Decree *nisi* shall issue forthwith, to be made absolute after thirty (30) days.

11. There shall be no order as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 8th DAY OF November, 2013.

W. M. MUSYOKA

JUDGE