

O. K. J.....PETITIONER

VERSUS

S. W. M.....RESPONDENT

J U D G M E N T

1. On 24th June, 2008, the Petitioner and the Respondent got married under the Marriage Act Chapter 150 of the Laws of Kenya. They cohabited in Nairobi as man and wife but on 14th February, 2012, O. K. J., the Petitioner petitioned for divorce. In the petition, he narrated how he had cohabited with the Respondent at their matrimonial home at {*particulars withheld*} for three and a half (3 ½) years. The Petitioner is an Information Technology specialist which the Respondent works with the {*particulars withheld*}. The petition was unopposed. After directions had been given the Petitioner who was about to leave the jurisdiction of this court appeared before me on 16th August, 2012 for the hearing of the petition.
2. In his testimony, he reiterated what was set out in the petition. He told the court that his marriage with the Respondent had not been blessed with any issue and that he was a victim of the Respondents acts of cruelty and utter irresponsibility. He stated that he and the Respondent could not live together and cohabit peaceably. That the Respondent had developed a drinking problem. That after drinking she should become hot tempered and uncontrollable, she would become violent in such stupor and had destroyed a lot of their properties.
3. In proof of his petition, the Petitioner further told the court that the Respondent had severally admitted to him that she had been involved with other men thereby belittling him and annoying him. To him, he cannot succeed in life if he continues to live with the Respondent. The petitioner showed the court one of the many short message services sent by the Respondent to the Plaintiff of 16th January, 2011 wherein the Respondent told the Petitioner that she was bluffing when she was telling him about other men she had been with. That the Respondent had driven a wedge between her family and the Petitioner.
4. On cross examination the Petitioner admitted that sometimes he joins the Respondent in her drinking spree but she mostly drinks with her male and female friends. That her telling him that she was involved with other men had offended and affected him so much. That he minds the Respondents excessive marriage. He therefore urged that the court does grant the divorce sought.
5. I have considered the petition and the evidence tendered before me. This petition was not defended. Having considered the matter and the testimony of the Petitioner, I am satisfied that the petitioner and the Respondent were married under the Marriage Act Cap 150, Laws of Kenya on 24th June, 2008, that they thereafter cohabited at {*particulars withheld*} Nairobi as man and wife for three and a half (3 ½) years. That there is no issue of the said marriage. From the testimony of the Petitioner, It is clear that he had undergone a lot of mental torture as a result of the Respondent's conduct. Her excessive drinking, her admission that she was involved with other men other than the Petitioner was not only demeaning but also traumatizing. No man can countenance any admission by his wife or woman that she has had affairs or is involved with other men out there. The Petitioner told the court that these confessions which were being made by the Respondent both when she was drunk and when she was sober had not only disturbed and humiliated the petitioner but had made him conclude that he cannot succeed if he continued to live with her. In his own words, it had made him lose self esteem.
6. In total, I am satisfied that the Petitioner has proved that the Respondent had subjected him to cruelty. I am satisfied that the particulars of cruelty set out in the Petition have been proved.
7. Accordingly, the petitioner has proved his case to the standard required. I allow the petition dated 10th February, 2012 and I hereby dissolve the marriage between the Petitioner and the Respondent. This being a family matter, each party will bear his/her own costs of the Petition. The Certificate of Marriage No.

{*particulars withheld*} to be surrendered to the Registrar of Marriages for cancellation and a Certificate of Divorce Nisi do issue accordingly. A Divorce absolute do issue after six (6) months from the date of this judgment.

Decreed accordingly.

DATED and DELIVERED at Nairobi this 5th day of October, 2012.

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A. MABEYA

JUDGE