

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
DIVORCE CAUSE NO.82 OF 2010

A.K.L.....PETITIONER

VERSUS

A. S.L.....RESPONDENT

J U D G M E N T

The petitioner and the respondent were married on 10th July 2005 in Nairobi. The petitioner and the respondent cohabited together as husband and wife in an estate in Nairobi from the date of marriage until 24th January 2010 when cohabitation ceased. The couple was not blessed with any children. According to the petitioner, since the celebration of the said marriage, the respondent had treated her with cruelty. In particular, she deponed that the respondent had subjected her to verbal insults which were calculated to undermine her self esteem. She stated that the respondent had denied her conjugal rights and had further failed to provide her with emotional and psychological support. The petitioner averred that the respondent ignored her views in regard to their marriage and instead relied on the advice of his relatives to the detriment of their marriage. The petitioner accused the respondent blocking all attempts at reconciliation hence her decision to file this petition for divorce. She urged the court to grant her petition for divorce.

The respondent was served with the petition. He entered appearance. However, he did not file an answer to the petition. The Deputy Registrar of this court certified the divorce cause ready for hearing. This court was satisfied that indeed the respondent was served but failed to file an answer to the petition. At the hearing of the petition, the petitioner basically reiterated with the contents of the petition in her oral testimony. This court has carefully considered the said evidence. It was clear to the court that the marriage between the petitioner and the respondent has irretrievably broken down. Prior to the separation of the petitioner and the respondent, communication between the two had broken down. The petitioner and the respondent have ceased expressing marital love to each other. Third parties had interfered with the marriage to an extent that the petitioner wants out. The fact that the marriage was not blessed with any children may have contributed to some extent to the failure of the marriage. This court is of the view that the petitioner established the ground of cruelty in her petition for divorce.

In the premises therefore, the marriage solemnized between the petitioner and the respondent on 10th July 2005 is hereby dissolved. *Decree nisi* dissolving the said marriage is hereby granted. The *decree nisi* shall be made absolute thirty (30) days from the date of this judgment. There shall be no orders as to costs.

DATED AT NAIROBI THIS 4TH DAY OF MARCH, 2011

L. KIMARU
JUDGE