



**REPUBLIC OF KENYA**

**IN THE COURT OF KENYA AT MOMBASA**

**DIVORCE CAUSE 39 OF 99**

**K M B M ..... PETITIONER**

**VERSUS**

**F S M ..... RESPONDENT**

**J U D G M E N T**

The Petitioner in this petition **K M B M** married the Respondent **F S M** at the Mombasa District Registry on 19-6-1992. They lived for a while in Mombasa and then moved to the United Kingdom between 1993 and 1994. Later they returned to Mombasa, but now I have been told the Petitioner is living in the United Kingdom.

Their marriage has not been blessed with any child. The Petitioner is seeking divorce on grounds of cruelty, stating in her evidence that the Respondent has been irresponsible, cruel and does not contribute to the domestic budget; that the Respondent is a man of drunken habits and goes around begging for money to use for drinking. She also said further in her evidence that the Respondent is a man of bad temper and has always insulted her and also that the Respondent has denied her conjugal rights as the Respondent is unable to achieve and/or to sustain erection.

That has happened for the entire period of their marriage although the marriage was consummated. She further says that the Respondent is an habitual liar and has borrowed money from her friends in the United Kingdom behind her back, and made her to pay for the same debts that she knew nothing about. And lastly that the Respondent has tried to sell a farm bought by herself through lies and deceit and although he has not succeeded in selling the farm he has without the consent and knowledge of the petitioner sold certain items bought by the Petitioner such as water pipe and other construction materials. The Respondent also wets matrimonial bed and this happens often. She has to clean it all. She has not condoned this cruelty.

The Respondent though served did not file any answer to the Petition. Thus the allegations by the Petitioner have not been challenged in any way, and it also seems to me that the marriage has broken down irretrievably. The Respondent is living in Kenya while the Petitioner has gone to the United Kingdom. I am certain in my mind that the facts herein given by the Petitioner merit divorce to be granted and I do grant divorce in this case. The marriage is dissolved, decree Nisi is to issue, the Petitioner to have costs of this Petition. Petitioner can apply for decree absolute after three months from the date hereof.

**Dated and Delivered at Mombasa this 7th Day of November 2002.**

**J.W. ONYANGO OTIENO**

**JUDGE**