



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
DIVORCE CAUSE NO. 2 OF 2010

LWN.....PETITIONER
VERSUS
STK.....RESPONDENT

JUDGEMENT

1. By way of Petition dated 2nd March, 2010 the Petitioner sought dissolution of marriage on grounds of cruelty and adultery.
2. The Respondent on the other hand filed his Answer to Petition and Cross-Petition dated 11th October, 2010 wherein he denied the allegations and in turn sought dissolution of the marriage on grounds of cruelty, adultery and desertion.
3. The parties married in the year 1992 under the Kikuyu Customary Law and later registered the union on 26th July, 2002. There are four children born out of the said marriage between 1992 and 2006.
4. The Petitioner not only prays for dissolution but also seeks protection against stalking, threatening or and interfering with her life. Both parties sought the custody of the children of the marriage.

5. At the hearing thereof, on 15th October, 2015 the Petitioner relied on the Petition and her pleadings on record as evidence in support of her case. Notable she testified that the Respondent, threw her out of their matrimonial home, physically assaulted her and had been issuing threats of death to her and her children. She also testified the Respondent married another woman and sired three other children with her.
6. The Respondent lodged a Cross-Petition but made no effort to prosecute it. Neither he nor his counsel attended the hearing and the Court was compelled to close his case 16th April, 2024.
7. From the pleadings and the evidence adduced the evidence of the Petitioner stands uncontroverted. The Cross-Petition having been left unprosecuted stands abandoned.
8. The cruelty alleged coupled with allegations of the Respondent's adultery and fathering children outside the union is not mere trifles or domestic tiffs. It speaks to a complete breakdown of the marital bond.
9. I am satisfied that this marriage has irreparably broken down and cannot be salvaged. Justice demands its dissolution.
10. The Cross-Petition having been left unprosecuted stands abandoned and is hereby dismissed.

11. The Court hereby allows the Petition dated 2nd March, 2010 as undefended. I accordingly make the following determination.

- i) The marriage between the Petitioner and Respondent is hereby dissolved.**
- ii) A *Decree Nisi* shall forthwith issue;**
- iii) A Permanent injunction is hereby issued restraining the Respondent from stalking or threatening the Petitioner;**
- iv) A custodial order is hereby granted on any issues below the age of majority (if any);and**
- v) Costs are awarded to the Petitioner**

It is so ordered

**Signed, Dated and Delivered at Nakuru
On this 27th day of February, 2026**

Mohochi S. M.

JUDGE