

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
DIVORCE CAUSE NO. 3 OF 2017

N.T.D.....PETITIONER

VERSUS

S.J.M.....RESPONDENT

JUDGMENT

1. The petitioner N.T.D. and the respondent S.J.M. got married in Zimbabwe on 1st July 1991, and lived there up to 2000 when they moved to Ireland. They stayed in Ireland upto 2003. They then moved to Nairobi, Kenya where they stayed up to 1st December 2014 when the respondent left the matrimonial home. The marriage was blessed with two children who are both over 18 years.

2. On 15th March 2017 the petitioner filed this petition to have the marriage dissolved on the grounds of wilful desertion and irreconcilable differences. The petition was served but no answer was filed. The evidence of the petitioner was therefore not controverted.

3. The petitioner stated that on 1st December 2014 the respondent left the matrimonial home without any reason and has not returned since. They have not cohabited since. According to him, the marriage cannot be repaired.

4. On the grounds of wilful desertion and that the marriage has irretrievably broken down, I grant the petition. I order the dissolution of the marriage between the petitioner and the respondent. *Decree nisi* shall issue and shall become absolute after 30 days. It is noted that the petitioner did not want costs of the petition.

5. The parties entered into agreement dated 21st September 2017 before B.M. Quadros, Advocate regarding the children, maintenance, properties and miscellaneous. That agreement shall constitute an order of the court and shall form part of this judgment.

DATED and DELIVERED at NAIROBI this 22ND FEBRUARY 2018.

A.O. MUCHELULE

JUDGE