

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
DIVORCE CAUSE NO. 50 OF 2014

E O N.....PETITIONER

VERSUS

J S K.....RESPONDENT

JUDGMENT

1. The Petitioner has filed a petition dated 7th March 2014 seeking dissolution of his marriage to the respondent. They solemnized their marriage at the Office of the Registrar of Marriages in Nairobi. Since the celebration of their marriage they lived together as husband and wife. The marriage was blessed with two issues namely: R N 6 years and A A 4 years. They are no longer together. He testified in court that around July 2010 he returned home from work and found the respondent had left with everything. He called her home and she had not arrived. Later he was told she lives in Mombasa. He inquired why she left and he was told that as far as the respondent is concerned the petitioner is not financially stable. The respondent told him she was giving him time to be financially stable. She has never returned back to the matrimonial home nor have they communicated since 2010. The petition proceeded as undefended suit.

2. The petitioner's ground for dissolution of marriage is desertion. From his evidence it is four years since the respondent left the matrimonial home. Desertion is a ground for divorce under the Matrimonial Causes Act and the Marriage Act. It is apparent that the parties have not been able to reconcile and their marriage has irretrievably broken down. This court therefore dissolves the marriage between the petitioner and the respondent celebrated on the 26th Day of August 2008 on grounds of desertion. The marriage is dissolved. The issue of the children shall be dealt with at the Children's Court. A decree nisi to issue and to be made absolute within 30 days. No orders as to costs. It is so ordered.

Signed, dated and delivered this 27th Day of **April 2016**

R. E OUGO

JUDGE

In the presence of:

.....**Petitioner**

.....**Respondent**

Charity Court Clerk.