



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
DIVORCE CAUSE NO. 92 OF 2015

J M N.....PETITIONER

VERSUS

J W M.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 23rd November 2012 at the Office of the Registrar of Marriages, Nairobi. A certificate of marriage serial number [particulars withheld] was issued to them in accordance with the Marriage Act, Cap 150, Laws of Kenya (now repealed). The parties cohabited thereafter at [particulars withheld] in Nairobi, Kenya. The couple was not blessed with issue.

2. It is pleaded that since the celebration of the marriage the respondent deserted the petitioner. She is said to have moved to Dubai two (2) months after the celebration of the marriage for employment, never to come back. She is said to have deserted the matrimonial home in January 2013. The petitioner complains that the respondent's conduct has exposed him to misery, mental anguish and stress. He pleads that the marriage has irretrievably broken down.

3. He also pleads that there is a pending children's case, being Nairobi Children's Court Children's Case No. 560 of 2013, where he seeks custody and maintenance of the child of the marriage.

4. On 5th November 2015, the Deputy Registrar cleared the petition to proceed as undefended as the respondent had been served but did not enter appearance nor file an answer to the petition.

5. The Petitioner testified on 30th June 2016. His testimony gave vent to the allegations made in his petition. He averred that he had not colluded with the respondent to terminate the marriage.

6. From the material placed before me it is plain that the marital relationship between the petitioner and the respondent has totally broken down. I find that there was desertion. I have noted that cohabitation has been broken, and parties have been apart since January 2013. The marriage no doubt has practically come to an end.

7. In the circumstances, I am moved to make the following final orders:-

(a) That the marriage between the petitioner and the respondent, celebrated on 23rd November 2012, is hereby dissolved;

(b) That decree *nisi* shall issue forthwith, to be made absolute within thirty (30) days; and

(c) That there shall be no order as to costs.

DATED and SIGNED at NAIROBI this 16TH DAY OF DECEMBER, 2016.

W. MUSYOKA

JUDGE

DELIVERED and SIGNED this 20TH DAY OF DECEMBER, 2016.

R. OUGO

JUDGE