

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
DIVORCE CAUSE NO. 178 OF 2014

A D C.....PETITIONER

VERSUS

D P N.....RESPONDENT

JUDGMENT

1. The petitioner and the respondent got married on 18th October 2003 at the *[particulars withheld]* Farm in Kajiado of Kenya under the **Marriage Act (Cap 150)**. They stayed in various places in Kenya as a married couple. The marriage was blessed with two children:-

a. N. L. N. born on 27th August 2001; and

b. R. L. N. born on 29th October 2002.

On 5th October 2011 the respondent deserted the matrimonial home without word or excuse, and has not returned since. On 19th January 2015 the petitioner filed this petition seeking the dissolution of the marriage. In her view, the marriage has irretrievably broken down.

2. The petition was not defended, and the testimony of the petitioner was therefore not controverted.

3. I allow the petition. On ground of desertion, I dissolve the marriage between the petitioner and respondent. *Decree nisi* shall issue immediately and shall become absolute after 30 days.

4. The parties entered into an agreement dated 11th June 2014 (exhibit 1) on the custody and maintenance of the children and on the property that was acquired during the marriage. The agreement shall form part of this judgment and shall become enforceable.

DATED and DELIVERED at NAIROBI this 13th February 2015.

A.O. MUCHELULE

JUDGE