



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**DIVORCE CAUSE NO. 197 OF 2012**

**BETWEEN**

**P M.....PETITIONER**

**AND**

**D R W .....RESPONDENT**

**JUDGEMENT**

1. The Petitioner then a bachelor of Kenyan extraction and the Respondent then a divorcee of United States of America ( hereinafter the USA) citizenry, were married on 16<sup>th</sup> April 2007 at the Registrar’s Office in Nairobi A certificate of marriage serial Number *[particulars withheld]* was issued to them in accordance with the **Marriage Act (Cap 150 Laws of Kenya)**. The couple thereafter cohabited at Kasarani from 2007 to 2008 and in Muthaiga from 2008 to 2009. They did not disclose their respective occupations, or whether there were any issues of the marriage.
2. The Petition for divorce filed on 25<sup>th</sup> October 2012 is premised on grounds of desertion as particularised therein. The particulars state that in the month of September 2009, the Respondent left the Petitioner and went to USA to celebrate Christmas with her family and did not return. That the Respondent had deserted the Petitioner for a period of three years preceding the presentation of this petition and has not resumed cohabitation to date. The Petitioner therefore prays that the marriage between him and the Respondent be dissolved since the marriage has irretrievably broken down.
3. The Petitioner confirms that this Petition has not been presented or prosecuted in collusion with the Respondent, nor has he connived or condoned the acts of desertion complained of. He has also certified that there have been no previous proceedings filed regarding the marriage.
4. On 14<sup>th</sup> February 2013, the Deputy Registrar certified that the matter was suitable to proceed for hearing as an undefended cause for one day in Nairobi. The Respondent had been served by the counsel for the Petitioner via email of 26<sup>th</sup> October 2012 with the petition and notice to appear. She did not appear nor did she file an answer to the Petition. The Petitioner testified on 19<sup>th</sup> March 2015 and basically confirmed what he had set out in the Petition.
5. From the foregoing it is evident that the marriage celebrated between the parties herein on 16<sup>th</sup> April 2007, no longer exists and can be safely said to have irretrievably broken down without hope of salvage. The only appropriate thing is to make orders as I hereby do:
  - a. That the marriage celebrated between the Petitioner and Respondent at the Registrar’s office in Nairobi on 16<sup>th</sup> April 2007 is hereby dissolved.
  - b. That Decree nisi dissolving the said marriage is hereby issued to be made absolute thirty (30) days from the date of this judgment.

c. There shall be no orders as to costs.

**SIGNED DATED and DELIVERED in open court this 29<sup>th</sup> day of May 2015.**

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**L. A. ACHODE**

**JUDGE**