



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
DIVORCE CAUSE NO. 105 OF 2014

BETWEEN

I BPETITIONER

AND

C ORESPONDENT

JUDGEMENT

1. The Petitioner then a spinster and the Respondent then a bachelor were married on 23rd March 2010 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 in Karen until 1st October 2012 when the Respondent deserted the matrimonial home. They are domiciled in Kenya and were not blessed with any issue of the marriage.
2. The Petition filed on 19th May 2014 is premised on grounds of desertion and adultery by the Respondent as particularised in the Petition. The Petitioner stated that she and the Respondent cohabited after their marriage. During the subsistence of the marriage she discovered that the Respondent was having an intimate extra marital relationship with one A L. That she confronted the Respondent about the extra-marital affair and he assured her that he was not conducting any. It is her assertion that even after the confrontation the Respondent continued with the said affair.
3. The Petitioner states that on or about 1st October 2013, the Respondent contacted the Petitioner and informed her that he did not want anything to do with her and that they should go their separate ways. That since that day, the Respondent abandoned his duties as a husband wholly, and deserted the matrimonial home completely.
4. The Petitioner states that due to the aforesaid acts of cruelty and unfaithfulness they cannot continue to hold out as husband and wife. She, has therefore, asked the court to dissolve the marriage contracted between herself and the Respondent. She confirms that this Petition has not been presented or prosecuted in collusion with the Respondent, nor has she connived or condoned the acts of desertion and unfaithfulness complained of. She also certifies that there have been no previous proceedings filed regarding the marriage.
5. On 9th July, 2015 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 with the Notice dated 20th May 2015 to appear, but he did not appear or file an answer to the Petition. At the

hearing on 22nd October 2015, the Petitioner testified and reiterated what she had set out in the Petition. The Respondent did not attend court to testify.

6. I have perused the grounds of the petition and the evidence of the Petitioner in the verifying affidavit sworn on 15th May 2014. From the foregoing it is evident that the marriage celebrated between the parties herein on 23rd March 2010 has irretrievably broken down and cannot be salvaged. The parties have lived apart for the last three years and Petitioner's attempts at reconciliation have been repulsed by the Respondent. In the premise I find that the petition has merit and order as follows:
 - a. That the marriage celebrated between the Petitioner and Respondent at the Registrar's office in Nairobi on 23rd March 2010 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 **29th day of October, 2015.**

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L. A. ACHODE

JUDGE

In the presence ofAdvocate for the Petitioner

In the presence ofAdvocate for the Respondent