

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 67 OF 2014

F W M.....PETITIONER

VERSUS

R N M..... RESPONDENT

JUDGMENT

1. The petitioner and respondent got married on 12th January 2010 at the Registrar’s office in Nairobi and were issued with marriage certificate number[Particulars Withheld] . After the cerebation of the said marriage the respondent left for further studies at Metro State University, Minnesota in the United States of America on 15th January 2010. The marriage has no issues
2. The petitioner aver that the respondent travelled barely 3 days after they got married and as such they never really cohabited as husband and wife. That communication between her and the respondent ceased in 2012. That in 2013 the respondent sneaked into the country without informing the petitioner causing her mental anguish and emotional torture. That the respondent had on several occasions indicated that he no-longer desired to live with the petitioner. He does not provide for the respondent, has abandoned and deserted the petitioner and has denied her conjugal rights reasons why the applicant seeks for dissolution of the marriage to the respondent.
3. The respondent despite being served with the said petition did not enter appearance or file a cross petition. The Registrar on 2nd October 2014 certified that the matter proceed as an undefended cause.
4. The cause came for hearing on 22nd October 2015 and the petitioner reiterated the averments of her petition. The petitioner’s evidence is not challenged.
5. The petitioner seeks a divorce on grounds of desertion. Desertion is aground for divorce both under the Marriage and Divorce Act and Marriage Act 2014. The petitioner in her testimony stated that the respondent left the country 3 days after they got married and as such, they have never cohabited as husband and wife. The petitioner has as a result been denied companionship, conjugal rights there is no-longer any communication between the parties. From the foregoing, it is evident that the marriage between the parties has irretrievably broken down and there is no possibility of reconciliation. This court therefore dissolves the marriage between the Petitioner and the Respondent celebrated on 12th January 2010. A decree nisi to issue forthwith and to be made absolute within 30 days. Each party to bear its own costs. It is so ordered.

Dated, signed and delivered this 24th day of November 2015.

R. E. OUGO

JUDGE

In the presence of:-

.....**For the Petitioner**

Ms. Charity

Court Clerk