

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 207 OF 2012

M W W.....PETITIONER

VERSUS

A M K.....RESPONDENT

JUDGMENT

1. The Petitioner has filed an petition dated 7th November 2012 seeking the dissolution of his marriage to the Respondent. She got married to the Respondent on 12th October 2004 at the Registrar of Marriages office at Nairobi and they were issued with certificate number [particulars withheld] by the Registrar of Marriage, Nairobi. After the said marriage the Petitioner and the Respondent cohabited at Westlands in Nairobi between October 2004 and September 2005 when the cohabitation stopped as a result of which the Petitioner seeks dissolution of the marriage to the respondent.
2. The about September 2005 the Respondent without any justifiable cause filed to resume cohabitation with the petitioner to-date. The Respondent despite being served with the said petition did not file a reply or cross petition. The registrar on 11th July 2013 certified that the matter proceed as an undefended cause.
3. The cause came for hearing on 20th October 2015. The petitioner re-iterated the averments as raised in her petition. She testified that she had hear that the respondent lived in Westlands but could not tell ascertained the exact place. She testified that the desertion had stressed her and denied her conjugal rights. That though she had hopes of reconciling with the respondent but the same couldn't work. The petitioner's evidence is unchallenged.
4. The petitioner's petition is on ground of desertion. Desertion is one of the grounds provided for under the Matrimonial Causes Act Cap 152 (now repealed) and also under the Marriage Act 2014. From the petitioner's evidence she and the respondent have not been cohabiting since September 2005. It shows that the respondent has lost interest in the marriage. From the foregoing it is evident that the marriage between the parties has irretrievably broken down and there is no possibility of reconciliation. I therefore dissolve the marriage between the petitioner and the respondent that was celebrated at Nairobi Office on 12th October 2004. A decree nisi to issue forthwith and to be made absolute within 30 days. No orders as to cost. It is so ordered.

Dated signed and delivered this **24th** Day of **November** 2015.

R. E. OUGO

JUDGE

In the presence of:

.....**Petitioner**

.....**Court Clerk**