

REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
DIVORCE CAUSE NO. 10 OF 2013

P BPETITIONER

VERSUS

A W N B.....RESPONDENT

JUDGMENT

1. The petitioner P B filed his petition seeking the dissolution of his marriage to the respondent A W N B on grounds of desertion. The petition proceeded as an undefended cause as the respondent though served did not file an answer. The petitioner's evidence is that he got married to the respondent in 1986 and adopted her two children, now adults.
2. The couple cohabited in Switzerland returning to Kenya, home to the respondent in 2006. They built a home at Mtwapa. The marriage was already strained and soon after, the respondent evinced an intention to return to Switzerland against the wishes of the petitioner who preferred the warm climate in Kenya for his twilight years. The respondent eventually left for Switzerland in 2009 and subsequently obtained an order for separation and has since resided in that country. The petitioner says the marriage has broken down irretrievably.
3. The petitioner's evidence is uncontroverted. The respondent left the matrimonial home in 2009 and has not returned. She has obtained a separation order from the petitioner. Clearly the marriage exists in name only having completely broken down.

I grant prayer (1) of the petition.

Parties will bear their own costs.

Delivered and signed at Malindi in the absence of the parties this **26th** day of **March, 2014** in the presence of Mr. Gicharu for the petitioner.

Court clerk - Samwel

C. W. Meoli

JUDGE

ORDER – Original certificate of marriage and order of separation to be released upon a copy thereof being made and filed herein, as requested by Mr. Gicharu.

C. W. Meoli

JUDGE