



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**DIVORCE CAUSE NO. 97 OF 2013**

**J S W.....PETITIONER**

**VERSES**

**J R W.....RESPONDENT**

**JUDGMENT**

1. The petitioner J S W and the respondent J R W got married on 13<sup>th</sup> August 1994 in the United States of America. They cohabited in the United States of America and eventually in several places in Kenya. The marriage was blessed with two children:-
  - a. S M W, born on 6<sup>th</sup> June 2002; and
  - b. K J W born on 19<sup>th</sup> February 2006.
2. The petitioner's evidence was that on 9<sup>th</sup> May 2010 the respondent deserted the matrimonial home without any cause and has not returned since. There has been no conjugal relationship since that time. He petitioned for divorce on this ground. His evidence was not challenged.
3. On the ground of desertion, I order the dissolution of the marriage between the petitioner and the respondent. Decree *nisi* shall issue immediately and shall become absolute after the expiry of 30 days.
4. The petitioner and the respondent entered into a separation agreement dated 27<sup>th</sup> July 2011 which dealt with the custody, care, control and maintenance of the children of the marriage. The agreement is hereby adopted as binding and shall form part of this judgment.

**DATED and DELIVERED at NAIROBI this 28<sup>th</sup> July 2014.**

**A.O. MUCHELULE**

**JUDGE**