

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 270 OF 2013

A T.....PETITIONER

VERSES

M H I T.....RESPONDENT

JUDGMENT

1. The petitioner A T and the respondent M H I T got married in the United Kingdom on 12th September 1997. They cohabited in several places in the United Kingdom and thereafter at Link road, Karen and Kimi Road, Langata in Nairobi, Kenya.
2. The marriage was blessed with three children as follows:-
 - a. A I T, born on 8th October 1999;
 - b. K B T, born on 6th June 2003; and
 - c. A A D T, born on 29th April 2005.
3. The undisputed evidence of the petitioner was that in 2010 the respondent moved out of the matrimonial home without cause and has not returned since. As a result, there has been no cohabitation or conjugal relationship between the parties. In the evidence of the petitioner, there is nothing to salvage in the marriage. He filed this petition on 20th December 2013 seeking divorce.
4. On the ground of desertion, I order the dissolution of the marriage between the petitioner and the respondent. Decree *nisi* shall issue and shall become absolute after 30 days.
5. On 27th February 2014, the petitioner and the respondent entered into a separation agreement that dealt with the custody, care, control and maintenance of the children of the marriage, and other miscellaneous matters. The agreement is hereby adopted as part of this judgment and therefore shall bind the parties.

SIGNED at NAIROBI this 23rd July 2014.

A.O. MUCHELULE

JUDGE

DELIVERED at NAIROBI this 24th July 2014.

W. MUSYOKA

JUDGE