



**REPUBLIC OF KENYA**

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

**DIVORCE CAUSE NO. 115 OF 2013**

**BETWEEN**

**C A M.....PETITIONER**

**AND**

**R S M.....RESPONDENT**

**JUDGMENT**

1. Marriage was celebrated between the parties herein on 11<sup>th</sup> May 1985 at the St Austin's Church, Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at diverse addresses within Kenya as husband and wife. The couple was blessed with three issues – M I D M (born in 1986), L R S M (born in 1989 and N B S M (born in 1996).
2. The petition in this matter was filed in court on 13<sup>th</sup> June 2013. The petitioner accuses the respondent of desertion. He is alleged to have left the matrimonial home on 8<sup>th</sup> January 2010, never to come back.
3. On 3<sup>rd</sup> October 2013 the Deputy Registrar certified that the matter proceeds for hearing as an undefended cause. There is no reply to the petition and therefore the petitioner's allegations, as made in the petition, remain uncontroverted.
4. The petitioner testified on 29<sup>th</sup> May 2014 and gave vent to the allegations made in her petition. No counter evidence was given by the respondent, and therefore the petitioner's story was not controverted.
5. It would appear to me that the marriage between the parties herein has irretrievably broken down. It would also appear to me that there has been no collusion between the petitioner and the respondent in the bringing of these proceedings. There is also no evidence that the petitioner has condoned the desertion alleged in the petition and proved at the hearing.
6. I am in the circumstances disposed to make the following orders: -
  - a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 11<sup>th</sup> May 1985;
  - b. That decree *nisi* shall issue forthwith, to be made absolute after thirty (30) days; and
  - c. That there will be no orders as to costs.

**DATED, SIGNED and DELIVERED at NAIROBI this 14<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of ..... advocate for the applicants.**