

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 158 OF 2013

BETWEEN

G W K.....PETITIONER

AND

S S.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 31st October 2003 at the office of the Registrar of Marriages, Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at Eastleigh Estate Section Nairobi, Kenya, as husband and wife. The couple was not blessed with issue.
2. The petition in this matter was filed in court on 5th August 2013. The petitioner accuses the respondent of desertion. It is alleged that the respondent deserted the matrimonial home on 1st January 2004 never to return.
3. On 10th October 2010 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 8th 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.
6. I am disposed to make the following orders: -
 - a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 31st October 2003;
 - 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 26th DAY OF September 2014.

W. MUSYOKA

JUDGE