



IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 56 OF 2014

BETWEEN

L A N.....PETITIONER

AND

G V K.....RESPONDENT

JUDGMENT

1. Marriage was celebrated between the parties herein on 19th February 1985 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 in Nairobi, Kenya, as husband and wife. The couple was blessed with issue.
2. The petition in this matter was filed in court on 13th March 2014. The petitioner accuses the respondent of cruelty and desertion the particulars of cruelty being that the respondent is a person of ungovernable temper, who has engaged the petitioner in rows and quarrels, and who batters the petitioner. He is said to have deserted the matrimonial home in 2001 never to come back.
3. On 29th May 2014 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 26th June 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. Desertion is proved as the respondent deserted the petitioner for over three years.
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 23rd August 2005;
 - b. That decree *nisi* shall issue forthwith and shall 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

In the presence of Lily Ayako the petitioner.