



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**

**DIVORCE CAUSE NO. 173 OF 2013**

**G. A. O.....PETITIONER**

**Versus**

**E. O. O.....RESPONDENT**

**JUDGMENT**

1. The Petitioner herein has filed a petition dated 2<sup>nd</sup> August 2013 seeking dissolution of her marriage to the Respondent. She avers that they underwent a statutory marriage on the 11<sup>th</sup> April 2012. That their marriage was not blessed with any issue. That after their marriage in September 2012 the Respondent left their Matrimonial home and headed for Germany in pursuit of greener pastures. That since then he has not returned and has deserted without any justifiable cause. That the desertion has caused her emotional stress as there has been no communication with the respondent; that the marriage between her and the Respondent has broken down irretrievably.
2. The Petitioner has particularized the particulars of desertion at paragraph 12 (a) to (h) of the petition. This cause proceeded as an undefended matter.
3. In her evidence in Court the Petitioner told this Court that after their marriage on the 4<sup>th</sup> of April 2012 they only stayed for 5 months and the Respondent left for Germany in September 2012. That after his departure he changed and would ask her why she has never married again. That the Respondent even changed the telephone line he was using and that since September 2012 she has never seen him. She therefore seeks dissolution of the marriage.
4. The parties were married under the Marriage Act (Cap 150) Laws of Kenya. The Petitioner has stated that after their marriage in April 2012 the respondent left their matrimonial home and moved to Germany in September 2012 and has not returned since then. This is a clear case of desertion on the part of the Respondent. One of the grounds of dissolving a marriage is desertion .In my view this is a special case as it is evident that the Respondent has relocated and has no intention of having any relationship with the petitioner.
5. The Petitioner has proved the ground of desertion as pleaded in her petition. I therefore dissolve the marriage celebrated between the petitioner and the Respondent on 11<sup>th</sup> April 2012. A decree nisi shall issue forthwith, and may be made absolute after thirty (30) days. No order as to costs.

Dated, signed and delivered this 28<sup>th</sup> Day of November 2014.

**R. E OUGO**

**JUDGE**

**In the Presence of:**

.....Petitioner

.....Respondent

.....Court Clerk