

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

DIVORCE CAUSE NO. 82 OF 2014

C W N.....PETITIONER

VERSUS

J N K.....RESPONDENT

JUDGMENT

1. The petitioner and the respondent got married in 1983 under Kikuyu customary law and established a matrimonial home at Ilasit in Oloitoktok.
2. The couple was blessed with two children, namely E K (now deceased) and G W who is aged 29 years.
3. The petitioner filed this Cause seeking the dissolution of the marriage on the grounds of desertion and that the marriage has irretrievably broken down. The petition was served but did not elicit any response. The petitioner's evidence was therefore not contested.
4. The petitioner told the Court that in 1986 the respondent married another woman and violently chased her and the children out of the matrimonial home. Since then he has not sought to have the relationship discussed or reconciled. It is about 28 years since the couple separated and that is why the petitioner states that the marriage has been broken beyond repair. I accept her evidence.
5. I allow the petition and order that the marriage between the petitioner and the respondent be dissolved. I ask the respondent to pay the costs of the petition.

DATED and DELIVERED at NAIROBI this 21st day of November 2014

A.O. MUCHELULE

JUDGE