



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

**DIVORCE CAUSE NO. 12 OF 2014**

**BETWEEN**

**J R K..... .PETITIONER**

**AND**

**K E H.....RESPONDENT**

**JUDGEMENT**

1. Marriage was celebrated between the parties herein on 2<sup>nd</sup> July 2002 at the office of the Justice of the Peace of the 3<sup>rd</sup> Precinct, Dallas, Texas in the United States of America(USA). A certificate of marriage serial number *[particulars withheld]* was duly issued to them in accordance with the law of the Texas State. The couple thereafter cohabited in the USA, as husband and wife. The couple was blessed with one issue – S N K (born in 2003).
2. The petition in this matter was filed in court on 21<sup>st</sup> January 2014. The petitioner accuses the respondent of desertion. The particulars are the respondent left the matrimonial home with the minor sometime in September 2005 never to come back.
3. The petition was served on the respondent by way of courier service following an order made on 21<sup>st</sup> January 2014. The registered mail addressed to the respondent's last known address was delivered at the DHL offices in Nairobi on 21<sup>st</sup> January 2014 according to the affidavit of service sworn on 13<sup>th</sup> May 2014 and filed in court on 14<sup>th</sup> May 2014.
4. The respondent neither appeared nor filed answer to the petition.
5. On 12<sup>th</sup> June 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.
6. The petitioner testified on 17<sup>th</sup> July 2014 and gave vent to the allegations made in her petition. No counter evidence was given by the respondent, and therefore the petitioner's testimony was not controverted. He testified that as the respondent left the matrimonial home, she told him that it was over. Reconciliation did not work even though the parties remained in communication.
7. 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.

8. I am disposed to make the following orders: -

- a. That I hereby dissolve the marriage celebrated between the petitioner and respondent on 2<sup>nd</sup> July 2002;
- 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 19<sup>th</sup> DAY OF December 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Makori for Mr. Kinyanjui advocate for the petitioner.**