



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

**AT KISII**

**DIVORCE CAUSE NO.10 OF 2012**

**M B A.....PETITIONER/APPLICANT**

**VERSUS**

**D O B.....RESPONDENT**

**JUDGMENT**

1. The petitioner was married to the respondent D O B first in a come we stay arrangement which was later formalized at the Civil Registry Kisii District Commissioner's Office.
2. Upon the formalization of the said marriage in 2009 the parties started to experience a marital problems and an attempt at reconciliation failed.
3. From the evidence tendered before the court, the marriage herein has broken down and what remains of it is the marriage certificate. The petitioner has moved on and is not seeking maintenance from the respondent.
4. The respondent was duly served with the petition and to show that he is not interested in salvaging the marriage herein the same chose not to file any response to the petition.
5. The petitioner has proved to the required standard that the respondent has deserted her since the last time they had a reconciliation meeting in the year 2011.
6. This court has said before that it is high time we move away from the system where parties must litigate to have a marriage which has irrevocable broken to be dissolved.
7. I therefore allow the petition herein and dissolve the marriage between the petitioner and the respondent. The petitioner shall have exclusive custody of the two issues of marriage herein and cost of this petition.

**Signed and dated this 11<sup>th</sup> day of December, 2014**

**J. WAKIAGA**

**JUDGE.**

In the presence of:

Mr. Momanyi for Petitioner

N/A by the Respondent