



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

Divorce Cause No. 184 Of 2012

BETWEEN

N.N.G.....PETITIONER

AND

D.M.N.....RESPONDENT

JUDGEMENT

Marriage was celebrated between the parties herein on 22nd May 1998 at the(particulars withheld) Nairobi. A certificate of marriage serial number (*particulars withheld*) was issued to them under the Marriage Act. The couple thereafter took up residence at (particulars withheld) in Nairobi as husband and wife. The couple was not blessed with issue.

The petition in this matter was filed on 9th October 2012, in which the petitioner accuses the respondent of desertion and adultery. He is alleged to have left the matrimonial home in November 2005 never to come back, and no conjugal relations have taken place since then. He is also accused of adultery – of extra-marital affairs with several women. At the time of filing petition he was said to be committing adultery with a woman with whom he had sired two children. She testified along those along those lines when the matter came up for hearing on 7th March 2013.

The petition was served on the respondent on 8th November 2012. He did not appear nor file defence. Consequently, the Deputy Registrar certified the on 24th January 2013 that the matter proceeds for hearing as an undefended cause. As there is no reply, the petitioner’s allegations remain uncontroverted.

It would appear to me from the material before 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.

I decree that the marriage celebrated between the petitioner and respondent on 22nd May 1998 is hereby dissolved. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. There will be no orders on costs.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 27th DAY OF June, 2013.

W. MUSYOKA

JUDGE