



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

**DIVORCE CAUSE NO. 57 OF 2012**

**BETWEEN**

**J.M.M.....PETITIONER**

**AND**

**M.N.G.....RESPONDENT**

**JUDGEMENT**

Marriage was celebrated between the parties herein on 30<sup>th</sup> December 1981 at the Office of Registrar of Marriage at Nairobi. A certificate of marriage serial number (*particulars withheld*) was issued to them in accordance with the Marriage Act. The couple thereafter took up residence in Kariobangi South in Nairobi as husband and wife. The couple has been blessed with four issues – B M (1982), P W (1983), P M (1987) and J M (1988).

The petition in this matter was filed on 10<sup>th</sup> April 2012. In the petition the petitioner accuses the respondent of desertion, adultery and cruelty. She left the matrimonial home in 1996 never to come back. She now resides in the United Kingdom with another man who she claims to have legally married. She is therefore guilty of adultery, desertion and cruelty. The petitioner testified along those lines on 13<sup>th</sup> December 2012.

The petition was served on the respondent through registered post. The respondent did not appear nor file answer to the petition. The Deputy Registrar certified on 18<sup>th</sup> October 2012 that the matter proceeds to hearing as an undefended cause. As there is no reply to the allegations made in the petition, the petitioner's allegations remain uncontroverted.

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, cruelty and adultery.

I decree that the marriage celebrated between the petitioner and respondent on 30<sup>th</sup> December 1981 is 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 20th DAY OF June, 2013.**

**W. MUSYOKA**

**JUDGE**