



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**DIVORCE CAUSE NO. 235 OF 2012**

**BETWEEN**

**M R W.....PETITIONER**

**AND**

**A S.....RESPONDENT**

**JUDGEMENT**

Marriage was celebrated between the parties herein on 5<sup>th</sup> February 2010 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 at [particulars withheld] as husband and wife. The couple was not with blessed issue.

The petition in this matter was filed on 14<sup>th</sup> December 2012. The petitioner accused the respondent of desertion. He left the matrimonial home in September 2010 never to come back. Three years have not lapsed since the date of the respondent left, but I note that the court on 27<sup>th</sup> July 2012 allowed the filing of the petition herein notwithstanding that three years had not lapsed since the marriage was celebrated.

The petition was served on the respondent on 27<sup>th</sup> December 2012. He did not appear nor file answer. The Deputy Registrar certified on 14<sup>th</sup> February 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 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 5<sup>th</sup> February 2010 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 20<sup>th</sup> DAY OF June, 2013.**

**W. MUSYOKA**

**JUDGE**