



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
DIVORCE CAUSE NO. 149 OF 2008

BETWEEN

F G N.....PETITIONER

AND

E W G.....RESPONDENT

JUDGEMENT

Marriage was celebrated between the parties herein on 30th September 1996 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 cohabited at various places in [particulars withheld] as husband and wife. The couple has been blessed with one issue – R M G born in 1997.

The petition in this matter was filed on 8^h December 2008. In the petition the petitioner accuses the respondent of desertion and cruelty. She left the matrimonial home in South Africa sometime in 2006 never to come back. He also alleges denial of conjugal rights, verbal abuse and infidelity. The petitioner testified along those lines when the matter came up for hearing on 4th October 2012.

The petition was served on the respondent through substituted service by DHL courier. Upon service, the respondent appeared through counsel, but did not file answer to the petition. The Deputy Registrar certified on 8th March 2012 that the matter proceeds for 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 infidelity.

I decree that the marriage celebrated between the petitioner and respondent on 30th September 1996 is hereby dissolved. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. Custody of the minor issue of the marriage is granted to the petitioner with unlimited access to the respondent. There will be no orders on costs.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20th DAY OF June, 2013.

W. MUSYOKA

JUDGE