

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 168 OF 2011

BETWEEN

J M.....PETITIONER

AND

R N. M.....RESPONDENT

JUDGEMENT

Marriage was celebrated between the parties herein on 11th August 2007 at the Safari Park Hotel in Nairobi under special licence. A certificate of marriage serial number (particulars withheld) was issued to them in accordance with the Marriage Act. The couple cohabited at Kileleshwa, Nairobi, as husband and wife. The couple was not blessed with issue.

The petition in this matter was filed on 21st October 2011. The petition is for dissolution of marriage. The petitioner alleges that the respondent is guilty of desertion. She moved out of the matrimonial home in the month of January 2009. She never came back.

The petition and a notice to appear were served on the respondent on 1st November 2011. He did not however file appearance or answer to the petition. The Deputy Registrar certified the on 19th January 2011 that the matter proceeds for hearing as an undefended cause. As there is no answer to the petition, the petitioner's allegations remain uncontroverted. The petitioner breathed life to his petition when he testified on 11th October 2012 before Mugo J.

It would appear to me from the papers filed in court and the oral evidence given in court on 11th October 2012 that the alleged marriage between the parties herein has totally broken down. It would also appear to me that the petitioner was not in any contributory to the breakdown of the marriage.

I am satisfied that the marriage celebrated between the petitioner and the respondent has failed on account of desertion of the petitioner by the respondent. I decree the dissolution of the marriage celebrated between the petitioner and respondent on 11th August 2007. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. There will be no orders on costs.

SIGNED DATED and DELIVERED in open court this 15th day of August, 2013.

W. M. MUSYOKA

JUDGE