

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO.111 OF 2010

A.N.GPETITIONER

VERSUS

J.A.G.....RESPONDENT

J U D G M E N T

The petitioner and the respondent were married under the **Marriage Act** at Olerai House – Tiwi in Kwale District on 5th November 2006. The petitioner and the respondent are both British citizens. The petitioner and the respondent cohabited together as husband and wife in Arusha, Tanzania and at Langata in Nairobi. The marriage was not blessed with any issues. According to the petitioner, the respondent deserted the matrimonial home on 5th December 2009 and re-located to Singapore. Since then, the respondent has not returned to the matrimonial home. The petitioner accused the respondent of committing acts of cruelty during the subsistence of the marriage. In particular, he complained that the respondent had failed to give him companionship, love or affection. The petitioner averred that from the respondent’s conduct, his marriage to the respondent had irretrievably broken down with no chance of reconciliation. He urged the court to dissolve the marriage by granting his petition for divorce.

The respondent was served with a copy of the petition and was summoned to appear in court. She duly acknowledged receipt of the said petition for divorce. However, she neither entered appearance nor filed an answer to the petition. The petition therefore stood unopposed. The Deputy Registrar of this court issued a certificate certifying this petition for divorce ready for hearing. At the hearing of the petition, this court heard oral evidence which was adduced by the petitioner. The petitioner basically reiterated the contents of the petition for divorce. This court was satisfied that indeed the petitioner had established the grounds of cruelty and desertion to entitle this court grant the petition for divorce. It was apparent to this court that the marriage between the petitioner and the respondent hit the rocks long before the respondent made the decision to desert the matrimonial home on 5th December 2009. There was a breakdown of communication between the petitioner and the respondent. The petitioner and the respondent no longer appreciated each other as a couple in their marriage. The marriage was irretrievably broken down. They appear to have lost the desire to give their marriage a chance. This court will therefore grant the petition for divorce.

In the premises therefore, the marriage solemnized between the petitioner and the respondent on 5th November 2006 at Olerai House – Tiwi is hereby dissolved. Decree nisi dissolving the said marriage is hereby issued. The decree nisi shall be made absolute thirty (30) days from the date of this judgment. There shall be no orders as to costs.

DATED AT NAIROBI THIS 25TH DAY OF FEBRUARY, 2011

**L. KIMARU
JUDGE**