

J.C.LFLOCH.....PETITIONER

Versus

V.A.S.RESPONDENT

JUDGMENT

On 28th August 1997, **J.C.** (the Petitioner) then a divorcee married the Respondent at a ceremony conducted in the Registrar of marriages Office at Sheria House in Nairobi. They thereafter lived and cohabited in O[...] Nairobi and were blessed with one child. In July 2006 the Respondent deserted the matrimonial home and went to live in B[...] Estate in Nairobi. Despite several telephone conversations with the Petitioner she has refused to go back to the matrimonial home.

On 31st March 2010 the Petitioner filed this petition and sought divorce on the ground of desertion. Though served Respondent did not enter appearance or file any document contesting the petition. The Petitioner then applied and was allowed to formally prove his petition. In his testimony in court, the Petitioner basically reiterated the averments in his petition as summarized herein above and added that the Respondent was 25 years and he was 61 years old at the time of marriage. Since she deserted the matrimonial home the Petitioner has been living with their son. He therefore prays for divorce and for the custody of their son. He said the son having been born in France, is a French national.

Having considered the above uncontroverted testimony of the Petitioner, I am satisfied that the Respondent deserted the matrimonial home without any reasonable cause. As the Respondent has rebuffed all attempts at reconciliation, and the parties have lived separately since July 2006, I am satisfied that their marriage has irretrievably broken down. In the circumstances I grant this petition and order that the marriage between the Petitioner and the Respondent be and is hereby dissolved. A decree nisi shall issue forthwith to be made absolute after the statutory period of 6 months. The Respondent having not contested this petition I make no orders as to costs.

DATED and delivered this 30th day of June 2011.

**D. K. MARAGA
JUDGE**