



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI

DIVORCE CAUSE NO.131 OF 2010

P.E.S.....PETITIONER

VERSUS

E.V.S.....RESPONDENT

J U D G M E N T

1. The Petition dated 13th October 2010 seeks orders that the marriage between the parties be dissolved. The grounds for divorce are set out at paragraph 7 thereof which reads as follows;

“The Respondent deserted the Petitioner without cause as from 30th June 2006 for a period of more than three (3) years and the particulars of desertion were;

(i) On or about 30th day of June 2006 after heated arguments the Respondent told the Petitioner to leave the matrimonial home and never to return home since [the] relationship between them had come to an end for ever, [and] he further told the Petitioner that she was at liberty to file Divorce proceedings; the Petitioner thereafter left the matrimonial home since there was no alternative left for her but to leave the Matrimonial home.

(ii) That the Petitioner later through elders of the Community attempted to reconcile with the Respondent and to return to the matrimonial home. The respondent however again made it clear to the petitioner and the elders of the Community that he was not interested in reconciling with the Petitioner and was not ready to live with the petitioner and had not done so till the date the Petition was filed.”

2. In evidence, the petitioner repeated the above assertions and added that she never colluded with the Respondent when filing the present Cause.

3. The Respondent although served, failed to reply to the Petition and there being no evidence to

controvert the Petitioner's case, I find that for the reasons set out above, the marriage between the petitioner and Respondent has broken down beyond retrieve and I shall quickly allow the orders of dissolution.

4. A decree nisi shall issue forthwith and to be made absolute within thirty (30) days of this order.
5. I shall make no order as to costs.
6. Orders accordingly.

DATED, DELIVERED AND SIGNED AT NAIROBI THIS 8th DAY OF JULY, 2011.

I. LENAOLA

JUDGE

CORAM

I. LENAOLA – JUDGE

David – Court Clerk

No appearance for Parties

ORDER

Judgment duly read.

I. LENAOLA

JUDGE