



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Divorce Cause 18 of 2009

FILED PURSUANT TO THE MATRIMONIAL CAUSES ACT, CHAPTER 152 OF
THE LAWS OF KENYA

KMV..... PETITIONER

V E R S U S

NMS..... RESPONDENT

J U D G M E N T

Before me is a petition filed on 3rd February, 2009 by V. Sharma advocate for the petitioner named as **KMV**. The respondent is named as **NMS**. It is a petition for dissolution of marriage and custody of the child of the marriage.

The grounds of the petition are cruelty and desertion. Though the petition was served, the respondent did not file any response. The petition therefore proceeded to hearing as an undefended petition. The petitioner gave evidence before me. A certified copy of marriage certificate was filed with the petition. It shows that the petitioner and respondent were married under the marriage Act (Cap. 150) at the office of the Registrar in Nairobi on 4th November, 1997.

In my view, with the allegations in the petition, and the evidence given in person by the petitioner, both the ground of cruelty and that of desertion have been proved. On that basis, I will dissolve the marriage.

The petitioner wants to be granted custody of the child. Since there is no contest to this request, I will grant the orders prayed for.

Since the respondent did not defend the petition, I will not award costs.

Consequently, and for the above reasons, I allow the petition and order as follows-

- 1. I issue a decree nisi for the dissolution of the marriage between the petitioner and the respondent to be made absolute after the lapse of 6 months.***

The petitioner is hereby granted the custody of **SKM**.

- 2. The petitioner will bear his own costs of the petition.**

It is so ordered.

Dated and delivered at Nairobi this 12th day of November, 2009.

George Dulu

Judge.