



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

Divorce Cause 23 of 2007

C.W.G PETITIONER

VERSUS

P.K.C..... RESPONDENT

JUDGEMENT

The Petition filed by the wife was duly certified as an undefended cause.

At the hearing of the cause the Petitioner testified that she married the Respondent on 20th December, 1994 by producing the marriage certificated.

The couple then cohabited at Nairobi and Kericho upto 2001.

The marriage was blessed with two more children born on 10th February, 1975 and 19th November, 1996. Their names are D.K and P.K respectively.

Around May, 2001 the Respondent/husband without any sufficient or reasonable explanation or excuse left the matrimonial home and deserted the Petitioner and the two children who are since then, living with and taken care of by the Petitioner.

According to the Petitioner since the desertion, the Respondent has neither communicated with her or with any of the children. She heard that at present he lives at Ongata Rungai.

She consented that there is no resumption of matrimonial relation since the desertion by the Respondent.

She denied that she has condoned or connived at the act of desertion or was an accessory thereto. She also denied that she has presented and/or prosecuted this petition in collusion with the Respondent.

She then prayed that the marriage be dissolved and the care, control and custody of two children be granted to her. She asked for maintenance for her and children and costs of the petition.

Her uncontroverted evidence was very candid and straightforward. I do believe the same and make following orders:

1. The marriage solemnized between the parties on 20th December, 1994 be dissolved.
2. Care, control and custody of children of marriage namely D.K and P.K be granted to the Petitioner.
3. Decree nisi be made absolute within 45 days from the date hereof.
4. Costs of this petition to the Petitioner.

I also grant leave to the Petitioner to file appropriate application for maintenance.

Dated and signed at Nairobi this 21st day of February, 2008.

K.H. RAWAL

JUDGE

21.2.08