

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

DIVORCE CAUSE NO. 44 B OF 2008

GOM.....PETITIONER

AND

EFN.....RESPONDENT

JUDGEMENT

The Petitioner herein filed this petition seeking to have his marriage between himself and the respondent dissolved, on the ground that the same has irretrievably broken down as a consequence of the respondent's cruelty and desertion. Costs of the petition are also sought.

The respondent didn't file an answer to petition and cross-petition. The petition therefore proceeded ex-parte as though undefended.

The Petitioner, who testified orally in court told this court that his marriage to the respondent was entered into under Kisii Customary Law.

It was the Petitioner's evidence that the respondent has persistently deserted the matrimonial home and also been cruel to the petitioner for years of the union. She gave no union reasons for the desertions and the petitioner neither caused nor condoned the same.

As earlier stated, the petition and the grounds thereof have not been challenged. There has been no rebuttal of the petitioner's evidence which clearly means that the petitioner has established the grounds for the dissolution of the marriage which in view of the facts, has no doubt broken down irretrievably.

In the premises I hereby allow the petition. I award costs of the petition to the petitioner with interest at court rates.

A decree nisi to issue.

Delivered at Nairobi this 23rd day of May 2008

B.P. KUBO

JUDGE