



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT ELDORET

Divorce Cause 5 of 2007

L.I.M.....PETITIONER

=VERSUS=

D.W.G.....RESPONDENT

JUDGEMENT

The Petitioner and the Respondent cohabited with each other as husband and wife between December, 1995 and 10th August, 2003 when they formalized their relationship under the Christian and Divorce Act, Cap 50, Laws of Kenya.

The lived together for three (3) years after the formal marriage when they started having problems.

The couple were blessed with two children:-

1. DVM- 12 years old
2. DRG aged 10 years.

The Petitioner filed this Petition seeking dissolution of the marriage and the custody of the two children. The Respondent filed an Answer to Petition and prayed for dismissal of the Petition.

At the trial, the Respondent did not attend to defend the Petition despite being served.

The Petitioner testified that the Respondent abandoned her and the children since 20th August, 2005. That he has failed to provide for the educational needs, medical, food, clothings and other necessities for the family. That the Petitioner has single-handedly been providing for the same.

Upon considering the Petition and the evidence, I find on a balance of probability that the Respondent has abandoned his wife and two children for almost 3 years.

The Petitioner has single-handedly looked after the two children with no assistance from the Respondent.

I do find that the marriage between the two has irretrievably broken down. As a result I do hereby grant prayer (b) and (c) of the Amended Petition with no orders as to costs.

DATED AND DELIVERED AT ELDORET ON THIS 28TH DAY OF JULY, 2008.

M.K. IBRAHIM,

JUDGE.

In the presence of:

Mr. Birir for the Petitioner

Petitioner