

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

Divorce Cause 11 of 2007

RG PETITIONER

VERSUS

RWT..... RESPONDENT

JUDGEMENT

The Petitioner/husband has filed this petition on the ground of desertion by the Respondent, his wife.

According to his uncontroverted testimony, he married the Respondent on 11th April, 1992, the certified copy of the Marriage Certificate is annexed to his petition). The Respondent, without any intimation, prior notice or reasonable cause left home on 26th May, 1996. It was an utter shock to him. She came back after some time unannounced and once again in similar fashion left the matrimonial home along Westlands, Nairobi on 31st December, 1999.

She came back on 1st February, 2000 and left once again on 2nd February, 2002. This time she never returned. This petition was then filed on 29th January, 2007.

The Petitioner swore that he has not prosecuted this petition in collusion with the Respondent and that all the time when she left the home was without any reasonable cause. The Respondent has not communicated to him since February 2002. He also stated that there are not previous proceedings in respect of their marriage and that the marriage did not bear any child.

The petition has been filed after the lapse of three years since the last desertion and I am inclined to accept the uncontroverted testimony of the Petitioner. The Respondent has deserted the Petitioner and as per law, I am bound to dissolve the marriage, which I hereby do, with direction that decree nisi to be made absolute within 90 days.

No order as to costs.

K.H. RAWAL

JUDGE

6.11.08