

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Divorce Cause 157 of 2006

ALLAN KAMAU..... PETITIONER

VERSUS

THERESA MARGARET WILLIAMS.....RESPONDENT

JUDGMENT

ALLAN MWANGI KAMAU got married to the respondent on 13.11.2001, at the Registrar General's Department in Nairobi, Kenya.

They lived and cohabited in Kenya for 6 months then the couple relocated to Great Britain, where they both live, but separately.

The petitioner recalled that upon arrival between June – July 2002, they set up a home in North London, and the petitioner started looking for a job, which he got, but it was far from home, which meant that he spent a lot of time commuting to and fro.

They lived together for only 3 months when his wife started visiting her old friends, sometimes staying nights out, and ultimately she left the house without saying where she was going to, or when she would return. This was about September 2002.

The respondent wife was of mixed nationality, i.e. half British and half Zimbabwe. The petitioner complained that it is now 6 years since his wife left him. That he saw her briefly at a party in London, but did not talk to her much. That she has never explained why she left the matrimonial home. The couple never had any children.

The petitioner grounded his petition for divorce on “**desertion for no just cause**”. The petitioner confirmed that the petition is “**neither represented nor prosecuted in collusion with the respondent**”.

The petitioner produced the marriage certificate in court as an exhibit and stated that he has not been an accessory to the act of desertion by his wife.

The petition and all other documents relating to the divorce were served on the respondent personally on 14th December 2006, at Ukunda in Mombasa – Kenya, but she did not enter appearance or file an answer to the petition. The Deputy Registrar subsequently issued a Certificate to the effect that the suit be heard as “**undefended**”.

Though the respondent was said to be domiciled and resident in Nairobi, the marriage was conducted here in Kenya, so this court has jurisdiction to entertain the divorce.

From the evidence on record, I am satisfied that the petitioner proved his case on a balance of probabilities that he was deserted by the respondent, within the 1st year of marriage.

As the respondent did not file any answer in this cause, it is not clear why she deserted her husband.

I therefore proceed to grant an order dissolving the marriage between the petitioner and respondent. I order that each party pays their own expenses.

Finally, I direct that the decree nisi do issue today, and the same be made absolute within one month from today.

Dated at Nairobi this 27th day of September, 2007.

JOYCE ALUOCH

JUDGE