

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

Divorce Cause 68 of 2005

JACQUELINE CHANIA STUART READING..... PETITIONER

VERSUS

MARK PETER READING.....RESPONDENT

JUDGMENT

The petitioner, JACQUELINE CHANIA STUART READING, married the respondent MARK PETER READING on 25th November, 1996, at the D.C's office in Malindi, Kenya.

Thereafter, the couple lived and cohabited in Karen, Nairobi. There is one child of the marriage, namely HAMISH FINLAY READING, born on 29.9.1998.

The petitioner is domiciled in Kenya, and the respondent has been resident in Kenya, at least for the 3 years preceding the institution of this divorce cause.

The petitioner complained that her husband deserted her on 21st June 2001, when he left the house in Karen, and never returned. He left when the petitioner had gone to Britain to visit her sister. Prior to that, he had stopped having any sexual relationship with her, after the birth of their child, and did not explain why he behaved this way.

The petitioner has not presented the petition in collusion with the respondent. Further he has not condoned his act of desertion.

She explained that they have kept their channel of communication open because they have a child, however, they cannot resume cohabitation.

The couple entered into a deed of settlement, pertaining the custody and maintenance and access of their child. He prayed the court to make it an order of this court. She produced the deed as Ex. 2 in court, and the marriage certificate, as Ex.1.

From the petitioner's evidence, I am satisfied that it was the respondent who deserted her and left her in the matrimonial house in Karen, where she lives to date. The respondent had opportunity when he was served with the petition but he declined to enter appearance or file an answer. This left the petitioner's evidence uncontroverted. I find from that evidence that it was the respondent who caused the break down of the marriage.

I therefore proceed to dissolve the marriage between the petitioner and respondent.

I also grant an order adopting the Deed of Settlement reached by the parties, dated 24th October 2004. Finally, I direct that the decree nisi do issue today, and the same be made absolute within a month from today.

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

JOYCE ALUOCH

JUDGE