



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**  
**Divorce Cause 61 of 2006**

**KENN KARORI NJOROGE.....PETITIONER**

**VERSUS**

**AGNES KABUIYA KARORI.....RESPONDENT**

**JUDGMENT**

**KENN KARORI NJOROGE** petitioned the court for divorce from his wife **AGNES KABUIYA KARORI**, whom he married at the office of the Registrar General Nairobi, on 5<sup>th</sup> April, 1993. A copy of the marriage certificate was attached to the petition.

The couple lived and cohabited as shown in para 2 of the petition, and they were blessed with 4 children whose names and ages appear in para 3 of the petition.

The petitioner stated in para 12 of the petition that, the petition,

**“is neither presented nor prosecuted in collusion with the respondent, nor has he condoned the neglect, cruelty or desertion of the respondent, alleged in the petition”.**

The petitioner is a small scale farmer, started cohabiting with Agnes, the respondent in 1979, and a year later in 1980, they performed a customary law marriage, and in 1993, they solemnized their marriage and conducted a ceremony at the Registrar General’s office in Nairobi, under the Marriage Act.

He testified that Agnes left the matrimonial home in Ngumba estate Nairobi on 1.5.1998. She did not say where she was going, and has never returned.

The petitioner went to Githunguri to see his mother in law and enquired about his wife. He learnt that his wife did stop there, but subsequently left without saying where she was going. The petitioner was, however, noted that his mother in law was not surprised about the non return of Agnes. He concluded that Agnes’ mother must have known where she was.

The petitioner left, but about one month later, Agnes called him and said she was in the USA. She did not give a phone number or any address and since that call, she has not communicated again.

Agnes left all the 4 children behind. The petitioner looks after them and maintains them. They are all grown now aged above 18 years old.

The petitioner added that he did not consent to the desertion by Agnes which occurred when there was no problem in the marriage. He prayed for costs of the suit.

Written submissions were made on behalf of the petitioner, which I have considered. I also considered that the petitioner’s evidence though not corroborated was not challenged. I believed the evidence and from it find that the respondent deserted the petitioner for no just cause, for a period of 3 years preceding the presentation of this divorce petition. I therefore proceed to dissolve the marriage between the petitioner and respondent, solemnized on 5<sup>th</sup> April 1993. Each party will pay their own expenses.

Finally I direct that the decree nisi do issue today, and the same be made absolute within a period of 30 days from today.

Dated at Nairobi this 27<sup>th</sup> day of September, 2007.

**JOYCE ALUOCH**

**JUDGE**