



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**  
**Divorce Cause 70 of 2006**

**C.M.....PETITIONER**

**VERSUS**

**K.H.....RESPONDENT**

**JUDGMENT**

C.M., sought an order of the court for dissolution of his marriage to K.H., on the grounds of desertion.

The 2 got married on 18<sup>th</sup> October 2002, at the office of the Registrar of Marriages, in the Attorney General's Chambers, Nairobi.

That the 2 lived and cohabited for only 2 weeks after marriage as the petitioner remained in Nairobi South C, whilst the respondent went to France where she has continued to live to date.

The couple had no children of the marriage. In court during the hearing, the petitioner testified that he is a Rwandese national who has lived in Kenya for the past 7 years carrying on transport business.

The petitioner produced the marriage certificate as an exhibit in court, and stated that he lived and cohabited with his wife for only two weeks before she left for France where she had been living with her parents before the marriage. She gave the excuse that she would go back to pack her belongings and return, but she never returned to date.

The petitioner lamented that he has lived alone for 5 years and because he is convinced that his wife will never return to resume cohabitation with him. He prayed the court to dissolve his marriage.

The court records show that the respondent was served, through DHL Courier, with the petition and other relevant documents, but she declined to respond or file any documents in opposition to the petition.

The Deputy Registrar certified the matter to proceed as an undefended divorce.

Written submissions were filed by counsel for the petitioner. These now form part of the proceedings of this divorce cause.

From the petitioner's evidence which was not contested, I am satisfied that his wife the respondent, deserted him with on just cause. She did not respond to the divorce petition served on her, so the reasons why she went back to France are not known. In the circumstances, I find that the petitioner has proved his case on a balance of probabilities, and I proceed to grant an order dissolving his marriage to the respondent.

Each party to these proceedings will bear their own expenses.

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

Dated at Nairobi this 4<sup>th</sup> day of October, 2007.

**JOYCE ALUOCH**

**JUDGE**