

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

MILIMANI LAW COURTS

Divorce Cause 92 of 2006

P J P.....PETITIONER

VERSUS

M K P.....RESPONDENT

JUDGMENT

PJ P petitioned the court to dissolve her marriage to **M K P**, on the grounds of “*desertion with no just cause*”.

Both the petitioner and respondent are domiciled in Kenya.

They lived and cohabited as shown in para 2 of the petition. There are no children of the marriage, and the petitioner confirmed that the petition is not presented in collusion with the respondent.

The petitioner recalled that on 10.3.2002, there were conflicts between himself, his wife and his parents, as they were living in his parent’s house. That prior to that his wife did not get on well with his parents, a fact which affected their marriage adversely as his wife started drinking heavily at home. That she would get drunk and then become very abusive. This went on persistently for about 3 years.

The petitioner recalled that in 2002, there was robbery in the parent’s house where they lived. His wife was raped, and her drinking got worse after that incident, which also caused the deterioration of their sexual relations.

It was under these circumstances that the respondent left the matrimonial house on 10th March 2002, saying she was tired of the marriage. She took all her belongings and drove to her parent’s home and has never returned to resume cohabitation with him.

The petitioner asked the court to dissolve the marriage which he said had broken down due to the respondent’s desertion. He attached the marriage certificate to the petition.

The petition and other documents were served on the respondent who refused and or declined to file an answer. The petitioner was certified as “*undefended*”.

From the petitioner’s evidence, I am satisfied that this marriage has broken down. The evidence further shows that there were tensions in the marriage caused by 3rd parties, in this case, the parents of the petitioner and the robbers who raped the respondent. May be all these factors caused the respondent to act the way she did, but whatever it was, she actually deserted the petitioner, and on that ground. I proceed to grant the petitioner an order to dissolve his marriage to the respondent.

I also order that each party to these proceedings pays their own costs.

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

Dated at Nairobi this 4th day of October 2007.

JOYCE ALUOCH

JUDGE