



**REPUBLIC OF KENYA**

**THE HIGH COURT OF KENYA AT NAIROBI**

**(NAIROBI LAW COURTS)**

**Divorce Cause 89 of 2005**

**BKR.....PETITIONER**

**VERSUS**

**MKNS..... RESPONDENT**

**J U D G M E N T**

The Petitioner herein sought for an order of dissolution of the marriage that was solemnized on the 11<sup>th</sup> day of April 2001 between him and the Respondent at Navrtan Palace, Mukandpur Punjab State, India. Upon marriage both parties cohabited as husband and wife at South C Estate Nairobi. Both parties are domiciled in the Republic of Kenya.

There is no issue between the parties. This petition was not defended and the Registrar issued the certificate to that effect on 29/9/05. The Petitioner thus gave evidence in support of the petition and reiterated the particulars of cruelty and desertions, which are stipulated under ground 6 of by the petition.

According to the Petitioner, the Respondent deserted the matrimonial home on 27<sup>th</sup> September 2003 without any lawful excuse. Due to this desertion the Petitioner complained that he suffered tremendous emotional and psychological stress. All the Petitioner's attempts to reconcile have not been successful and therefore he sought for the dissolution of the marriage as he contended he did not condone the acts of desertion nor was the petition presented in collusion.

I have carefully examined the petition's evidence in support of this petition. I am satisfied that the Petitioner has proved his case to the required standard. As a result of desertion by the respondent he has suffered. I am also satisfied that this petition was to present through collusion but for reasons that the relationship was broken down irretrievably.

Accordingly I hereby pronounce the decree of divorce and dissolve the marriage that was solemnized o 11<sup>th</sup> day of April 2001. The decree nisi shall issue after the statutory period of three (3) months.

Since this was an undefended matter the Petitioner shall bear his own costs.

It is so ordered.

Judgment read and signed on 20<sup>th</sup> January 2006.

**M. Koome**

**Judge**