



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Divorce Cause 12B of 2005**

**GLADYS MUMBI KARANJA ..... PETITIONER**

**VERSUS**

**BENSON KARANJA KINUTHIA .....RESPONDENT**

**JUDGMENT**

The cause was certified as an undefended cause by the Learned Deputy Registrar and I tend to agree with her decision.

The Petitioner testified and called one witness in support of her petition.

The Petitioner testified that before their marriage was solemnized on 4<sup>th</sup> April, 2001, she and Respondent were cohabiting since December 1997 and they had a child from the said cohabitation born on 9<sup>th</sup> May, 2001. He was in any event born after.

She testified, and was corroborated by PW.2 who was her best maid at the marriage, that since marriage, the attitude of the Respondent totally changed. He was not at home at the first night of the marriage, though a dinner was organized to celebrate the marriage. Since that day he would be more away from home than in. According to her he used to be away for about four nights in a week. He became irresponsible towards her and the child of the marriage. It was a total desertion of the Respondent since the date of marriage. She recalled that at the end of February, 2002 they were locked out of their home due to non-payment of the rent. Even though the Respondent arrived after being called he did not do anything and she collected the rent from friends and her brothers. The Respondent was ready to leave the home on the same day by stating “*everyone for himself*” but stayed on at the intervention of her brothers. But eventually he did so in the first week of March, 2002 without informing about his whereabouts. She and PW.2 also tried to contact him to settle the issue, but he avoided it totally by refusing to discuss anything. He also did so in June, 2002 when she and PW.2 went to his bar along Jericho Estate, Nairobi but he refused to discuss anything.

Thus from her uncontroverted but corroborated evidence, I am satisfied that the Respondent deserted the Petitioner and child of the marriage T K since April, 2001 without reasonable cause as even though he came home, he was not for them. The Petitioner testified that she neither connived at nor condoned the act of desertion. She also testified that she did not collude with the Respondent in presenting or prosecuting this cause.

I therefore grant the prayers sought by her, namely:

- 1. The marriage in fact solemnized between the parties be dissolved.**
- 2. Custody, care and control of the child of marriage Tevin Karanja be granted to the Petitioner.**
- 3. Decree Nisi be made absolute after six months from the date hereof.**

**K.H. RAWAL**

**JUDGE**

**30.3.06**