

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Divorce Cause 20 of 2005

D W I PETITIONER

VERSUS

J K M RESPONDENT

JUDGMENT

The petitioner D W I sought an order from this court to dissolve his marriage to J K M , on the grounds of the petitioner's desertion.

The couple got married on 27th January, 2000 and lived in Umoja Innercore in Nairobi. They had no children. He produced a copy of the certificate of marriage which was attached to the petition.

The petitioner complained that in March, 2000 his wife disappeared. That he got home one evening and found that his wife was not at home and she did not leave any message behind.

The petitioner went to her parents who live in Buruburu estate in Nairobi, but did not find her, though he suspected they knew where she was because they were not surprised to learn that she had disappeared.

The petitioner went to look for his wife at her place of work, but she was not there, though he later learnt that she lives in Shaurimoyo estate in Nairobi. He has never been there to look for her.

The respondent was served with the petition as shown in the affidavit of service, which avers that she lives in house No. 12K. She did not file an answer to the petition, which was directed to be heard as undefended.

I have considered the evidence on record and I am satisfied that the respondent deserted her husband the petitioner with no just cause, to date. I am further satisfied that the petitioner did not connive at or condon the respondent's act of desertion. Because of the desertion, the marriage between the 2 has broken down irretrievably. I therefore proceed to grant the petitioner an order to dissolve his marriage to the respondent. I also direct that the decree nisi be issued today and the same will be made absolute within a period of one month from today. The petitioner will pay his costs occasioned by these proceedings.

Dated at Nairobi this 17th day of March, 2006.

JOYCE ALUOCH

JUDGE