

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

Divorce Cause 5 of 2006

R.M.C..... PETITIONER

AND

S.M.C RESPONDENT

JUDGMENT

The Petition herein was certified as an undefended cause by the Learned Deputy Registrar.

The parties herein married on 11th January, 1964 at Nairobi under the Marriage Ordinance as it was referred to in 1964.

The couple lived together as husband and wife up to 2001 at the premises in Nairobi. They have two issues of the marriage who were adult at the time of filing of this cause.

The marriage has faced the problems with the Respondent being always busy with her work and not being around for the Petitioner.

The situation worsened over the years and in the year 2002 the Respondent without any reasonable cause deserted the Petitioner and started staying separately in a house situate also at [particulars withheld] in Nairobi. Since that time the parties have not reconciled and have not come together. According to the Petitioner their marriage has been irretrievably broken. He stated that he has not condoned the act of desertion and that he has not colluded with the Respondent in presenting or prosecuting this petition.

The Respondent has not filed any response to the averments of the Petitioner and his evidence thus remained uncontroverted.

The petition is filed on 12th January, 2006, after lapse of more than three years from the desertion of the Respondent.

I shall thus find that the Respondent has been guilty of an act of desertion and order that the marriage solemnized between the parties be dissolved.

The decree nisi herein be made absolute within 60 days from the date hereof.

Dated and signed at Nairobi this 20th day of July, 2006.

K.H. RAWAL

JUDGE

20.7.06