



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

**Divorce Cause 132 of 2004**

S N N ..... **PETITIONER**

**VERSUS**

V M N ..... **RESPONDENT**

**JUDGMENT**

This petition has been certified as an undefended cause by the Learned Deputy Registrar.

The parties herein married each other on 20<sup>th</sup> December, 1975 before the Registrar's office at [particulars withheld] in Embu District. It was evidenced by a copy of the certificate of marriage produced.

They cohabited as husband and wife at Runyenjes in Embu District and thereafter at Ukunda till 1993.

The marriage was blessed with six children born between 1976 and 1985. They all are adult and settled in their respective lives.

As per the uncontroverted evidence of the Petitioner/husband, both parties are citizens and residents of Kenya and he works as a tour guide driver.

According to him on 1<sup>st</sup> May, 1993 the Respondent, without any reasonable cause, threw him out of their matrimonial home at [particulars withheld] and has refused to have any relation or even communication with him since the date.

He added that even during their cohabitation, the Respondent has not treated him with dignity and has not given him respect or warmth of a spouse. She would abuse and insult him in presence of family and friends. He felt totally embarrassed and her actions have resulted in lowering of his self-esteem. He stressed that their marriage has been irretrievably broken and prayed for dissolution of the marriage.

I have keenly listened to and observed his demeanours during the trial. I have no reason to doubt his uncontroverted testimony and thus accept the same as true.

The parties have been separated since 1993 as a result of act of desertion by the Respondent. The petition is filed on 19<sup>th</sup> October, 2004 after more than three years since the said act of desertion.

Thus, as per the law the Petitioner is entitled to the prayer of dissolution of his marriage with the Respondent.

I thus order that the marriage in fact solemnized between the parties herein on 20<sup>th</sup> December, 1975 be dissolved on the ground of desertion by the Respondent for more than three years prior to filing of this petition.

I shall not make any order as to costs.

The decree nisi be made absolute within 90 days from the date hereof. 8

Dated and signed at Nairobi this 21<sup>st</sup> September, 2006.

**K.H. RAWAL**

**JUDGE**

**29.9.06**