



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

Divorce Cause 50 of 2006

M.R.P,..... PETITIONER

VERSUS

R.K.N.P..... RESPONDENT

JUDGEMENT

This Petition was certified as an undefended cause by the Learned Deputy Registrar on 18th May, 2006.

The Petitioner, who looked very timid, gave evidence in Gujarati through an interpreter Mrs. P. Rawal an Advocate of the High Court of Kenya.

She testified that she got married to the Respondent at Anand, Gujarat State in the Republic of India on 21st February, 2003. The Original Marriage Certificate was produced (Ex.1). The Respondent was at that time resident of and domiciled in the Republic of Kenya. After the marriage, she joined the Respondent in Nairobi and cohabited with the Respondent as his wife in a premises along [PARTICULAERS WITHHELD], Nairobi till March, 2004 only for a week. Although she said that most of the time she was living alone in that house but he would pick big quarrels on petty issues. However, in March, 2003, the Respondent without any reasonable cause deserted the Petitioner totally vowing not to return. She has made efforts for reconciliation through her relatives and community leaders, but the Respondent has refused to concede to such efforts.

According to her, the Respondent is determined not to salvage the marriage. She also testified that she has not been accessory to or connived at the said desertion by the Respondent. She also reaffirmed that she has not colluded with the Respondent in presenting or prosecuting the petition filed by her.

This petition has been filed on 10th April, 2006 after a lapse of three years since the desertion by the Respondent.

I have keenly observed the Petitioner when she was testifying before me. It is not only that her evidence was not controverted but I find her a very credible witness and thus I accept her evidence as true.

In the premises, I do find that the Respondent is guilty of desertion of the Petitioner without reasonable cause.

The upshot of the aforesaid is that I do order that the marriage solemnized between the parties on 21st February, 2003 be dissolved.

Decree nisi be made absolute within 45 days considering the period of the desertion of the Petitioner by the Respondent

I do not make any order on costs as the same was not prayed for.

Dated and signed at Nairobi this 27th October, 2006

K.H. RAWAL

JUDGE

27.10.06