

E.K.K..... PETITIONER

VERSUS

T.M.K.....RESPONDENT

JUDGMENT

This Petition was filed by the husband and the wife filed her answer.

However, on the day of the hearing of the Petition the wife did not offer to question the evidence of the husband or to adduce any evidence.

Thus in all respect the Petition was based on uncontroverted evidence of the Petitioner/husband.

He deponed that the parties were married on 3rd March, 1986 and produced a copy of Marriage Certificate as there was no objection raised for its production by the Respondent's counsel.

They have three issues of marriage who are now adults and have stayed with the Respondent since her desertion of the matrimonial home in the year 1989.

The Petitioner testified that in early 1989 the Respondent deserted him without reasonable cause and took the children of marriage with her. Since then they have not cohabited or lived together.

The Respondent did not challenge this fact of her desertion deponed by the Petitioner thus I accept the same as true.

Under the Matrimonial Cause Act (Cap. 152 Laws of Kenya) the act of desertion for three years prior to filing of the petition is one of the grounds under which a party can claim dissolution of marriage.

This petition was filed on 1st July 2002 thus the petition is well within the provision of law to seek dissolution of marriage.

I order thus that the marriage in fact solemnized between the parties be dissolved.

Decree nisi be made absolute within 15 days.

Dated and signed at Nairobi this 9th day of November, 2006.

K.H. RAWAL

JUDGE

9.11.2006