

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO.59 OF 2002

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Divorce Cause No.59 Of 2002

P N M.....Petitioner

Versus

J N M.....Respondent

JUDGMENT

The petitioner in this divorce cause has petitioned for the dissolution of the marriage that was solemnized between him and the respondent on 5th February 1999 at the Registrar's office at Nairobi. Both the petitioner and Respondent are domiciled in the Republic of Kenya and they have one issue namely N.K. who is aged 3 years. This petition was not defended and was certified as undefended cause on 16th September 2004.

During the hearing, the petitioner gave evidence and reiterated the particulars of desertion contained in the petition. According to the petitioner, the respondent deserted the matrimonial home on 12th May 2000 at Komarock Estate in Nairobi and all the efforts made by the petitioner to persuade her to come back home failed. The petitioner has not condoned the acts of desertion nor has he brought this petition through collusion. The petitioner therefore sought for the dissolution of the marriage.

I have carefully considered the evidence by the petitioner which is not at all challenged. The parties have been separated since May 2000. I am satisfied that the petitioner has been able to prove his case on the ground of desertion as the respondent deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of this petition.

In the premises, I hereby pronounce the decree of divorce and dissolve the marriage that was solemnized between the parties on 5th February 1999. The decree nisi shall issue for a period of (3) months. Since the respondent did not defend the cause, I will make no order as to cost.

It is so ordered.

Judgment read and signed on 28th January, 2005.

MARTHA KOOME

JUDGE