



**BB v CWM (Divorce Cause 98 of 1999)
[2005] KEHC 2720 (KLR) (Family) (18 March 2005) (Judgment)**

B.B V C. W.M [2005] eKLR

Neutral citation: [2005] KEHC 2720 (KLR)

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

FAMILY

DIVORCE CAUSE 98 OF 1999

MK KOOME, J

MARCH 18, 2005

BETWEEN

BB PETITIONER

AND

CWM RESPONDENT

JUDGMENT

1. The petitioner in this Divorce Cause sought for order of dissolution of the marriage that was solemnized between him and the respondent on 27th May 1994 at the Registrar’s Office in Nairobi.
2. Upon marriage both parties who are domiciled in the Respublic of Kenya resided at Hurlingham, Mbuthia Flats, Chania Road, between 1994 to 1995 and moved to Matumbato Estate, Upper Hill until 1996 cohabitation used in June 1997.
3. There are no issues to the said marriage. The respondent filed an answer and cross petition but did not attend the court during the hearing to defend the same.
4. During the hearing, the petitioner gave evidence in support of the petition and reiterated the particulars of desertion and adultery contained under paragraph 7 of the petition.
5. According to the petitioner, the respondent deserted the matrimonial home at first to attend a training program with UNCHR in Geneva for eight(8) months immediately after marriage. Subsequently the respondent spent two years on UN assignments in Bosnia and Herzegovinia and extended the contract indefinitely.



6. The petitioner pleaded with the respondent to resume cohabitation without success, according to the petitioner, the marriage is irretrievably broken down as the respondent is co-habiting with the co-respondent as husband and wife.
7. The petitioner sought for the dissolution of the marriage as he claims that he has not condoned the acts of desertion nor has this petition been brought through collusion but for reasons complained about above.
8. I have carefully considered the evidence by the petitioner which was not at all challenged. I have nevertheless considered that the respondent cross-petition for divorce although she did not attend court to defend her cross petition.
9. Whichever way one looks at this matter both parties are seeking for divorce. The parties have been separated for a period of more than three years prior to the filing of this petition.
10. I am satisfied that the petitioner has been able to prove his case to the required standard.
11. In the premises, I hereby pronounce the decree of divorce and dissolve the marriage that was solemnized on 27th May 1994. The decree nisi shall issue for a period of three (3) months.

Each party shall bear their own costs.

It is so ordered.

JUDGMENT READ AND SIGNED ON 18TH DAY OF MARCH 2005.

MARTHA KOOME

JUDGE

