



**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**DIVORCE CAUSE NO.171 OF 2003**

J.N.....PETITIONER  
**VERSUS**  
J.M.W.....RESPONDENT

**JUDGMENT**

The petitioner in this divorce cause, sought for the dissolution of the marriage between her and the respondent that was solemnized on 17th December 1995 at the Gospel Outreach Church Nairobi.

Upon the solemnization of the said marriage the parties cohabited in Kasarani (Mwiki) and Githurai 145 Thika. The petitioner is a hairdresser by occupation while the respondent is unemployed. Both are Residents and domiciled in the republic of Kenya. This petition was undefended and was certified as an undefended cause by the Deputy Registrar on 11th November 2004.

During the hearing, the petitioner gave evidence in support of the petitioner and gave a detailed account of the grounds of desertion by reiterating what is contained in the petition. According to the petition, the respondent deserted her from 8th March 1996 and he has not been in communication. It is now over seven (7) years since the respondent deserted the petitioner to live with another woman.

I have carefully considered the evidence that was presented by the petitioner. Obviously the petitioner has suffered mental anguish and anxiety after she was abandoned by the respondent only after one year of the marriage.

It is obvious from her evidence that this petition is not presented through collusion but on the grounds that this marriage is broken down on account of the respondent's desertion. I am satisfied that the petitioner has been able to prove the allegations to the required standard. Accordingly I hereby pronounce a decree of divorce.

The decree nisi shall issue for a period of three months. The petitioner shall be entitled to the costs of the petition.

It is so ordered.

Judgment read and signed on 4th March 2005.

**MARTHA KOOME**

**JUDGE**