



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**Divorce Cause 38 of 2004**

**G K R.....PETITIONER**

**Versus**

**B S S.....RESPONDENT**

**JUDGMENT**

The petitioner in this divorce cause has petitioned for the dissolution of the marriage which was solemnized on 25th November 1999 at the Office of the Registrar of Marriages in Nairobi. The petitioner is a Kenyan National while the respondent is an American citizen residing in Orlando Florida in the United States of America.

After the said marriage the parties cohabited as man and wife in Nairobi from 1st July 2000 up to March 2001 after which the respondent's whereabouts have not been known to the petitioner.

There is no issue of the said marriage. The petitioner who did not condone the acts of cruelty and desertion which are stipulated under paragraph 5 of the petition, sought for an order dissolving the marriage. This petition is undefended and was certified as undefended cause on 27th July 2004. During the hearing the petitioner gave a detailed account of how the respondent deserted her without cause since March 2001.

All the petitioner's efforts and attempts to involve her family and the respondent's family to reconcile did not yield any success.

The respondent refused to make an application for the entry visa of the petitioner to America as the respondent's dependant.

According to the petitioner, she has not condoned the desertion and cruelty and she filed a Divorce Cause at the Chief Magistrate's court at Nairobi being Divorce Cause No. 134 of 2004 which was withdrawn by consent for reason that it is only the High Court that is vested with jurisdiction to determine marriage conducted under the Matrimonial Causes Act Cap 152.

I have carefully considered the evidence adduced by the petitioner which was not challenged. I am satisfied that the petitioner has proved her case to the required standard, the allegations of cruelty and desertion. I am also satisfied that this petition has not been brought to court through collusion but for reasons that the marriage is irretrievably broken down due to the acts of desertion complained about and cruelty.

In the premises, I hereby pronounce the decree of divorce and dissolve the marriage that was solemnized between the parties on 25th November 2005.

The decree nisi shall issue for a period of three (3) months.

Each party shall bear their own costs.

**Judgment read and signed on 6th day of May 2005.**

**MARTHA KOOME**

**JUDGE**