

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA
AT MOMBASA

Divorce Cause 45 of 2005

HERIBERT FRANZ MAIER PETITIONER

VERSUS

EUNICE WAMBUI KIBUNA RESPONDENT

J U D G M E N T

The Petition of H M shows that on 4/11/1998 he celebrated a marriage with E W K (respondent). After the marriage the parties cohabited in Mtwapa. A child was born to them namely MM. Both parties are not engaged in any income earning enterprise. Since the celebration of marriage the respondent is guilty of desertion for a period of at least of 3 years immediately preceding this petition.

Also the petitioner states that the respondent has treated him with cruelty in that she has refused to grant the petitioner his conjugal rights and love and affection. The petitioner gave evidence in support of his petition and said he does not know where the child of the marriage resides except that the child resides with the mother in Europe. Upon considering the evidence and the petition of the petitioner I find that the petitioner has proved his petition.

I enter judgment for petitioner and order the dissolution of his marriage with respondent E W K. I declare Decree Nisi to be made absolute within 2 months from the date hereof.

Regarding the minor child of the marriage I grant care custody and control to the mother but the petitioner shall have access whenever possible and he shall pay maintenance for the child into the sum of ksh. 1000/- per month. There will be no Order as to costs.

Dated this 13th day of July 2005.

J. KHAMINWA

JUDGE

Judgment read before Mr. Gisemba on 13/7/05.

J. KHAMINWA

JUDGE