



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI.**  
**DIVORCE CAUSE NO.117 OF 2001.**

**M.K.K.....PETITIONER.**

**VERSUS.**

**A.O.W.....RESPONDENT.**

**JUDGEMENT.**

The petitioner in this cause Martha Kanana Kirimania has petitioned for the dissolution of the marriage solemnized on 22nd day of July, 1993 at the Registrar's Office Nairobi between her and the respondent.

After the said marriage, the petitioner and the respondent cohabited as husband and wife in S[...] Estate Nairobi until 1st April, 1998 when the respondent deserted the petitioner.

There are two issues of the said marriage namely K.W born on 22/9/86 and L.N born on 28/12/93.

The petition was certified as undefended cause on 29/5/2003. During the hearing the petitioner testified and gave a reasons why she has filed the petition. In the cause of the marriage she discovered that the petitioner secretly got married on 11/12/93 in the church to another woman known as A.M while their marriage was still subsisting. This wedding took place without the petitioner's knowledge. She produced photographs of the wedding whereby the respondent is the groom. When the petitioner sought an explanation from the petitioner, the respondent confirmed that he indeed got married and he intends to keep the two women. The petitioner protested and refused the arrangement whereby the respondent moved upcountry where he lived with his wife and the petitioner has not heard of him since April 1998. She therefore seeks for the dissolution of the marriage for reasons that the respondent has contracted another marriage and deserted the petitioner which acts the petitioner has not condoned.

I have considered the petition and the evidence of the petitioner and I am satisfied that the marriage should be dissolved for reasons that the respondent has contracted another marriage before the dissolution of the marriage with the petitioner. He has also deserted the petitioner for more than 3 years. I am satisfied that this petition has not been filed through collusion.

Accordingly the marriage solemnized on 2nd July, 1993 between the respondent and petitioner is hereby dissolved. The petitioner shall have the custody of the minor child of the marriage as well as the costs of this petition.

Orders Accordingly.

Judgement read and signed on 16/1/2004

**M. KOOME J.**

**16. 1. 2004**