

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
DIVORCE CAUSE NO. 155 OF 2002

JAMES IRUNGU MUGWE.....PETITIONER
Versus
ROSEMARY WANJIRU IRUNGU.....RESPONDENT

JUDGMENT

The petitioner in this divorce cause has petitioned for the dissolution of the marriage solemnized between him and the respondent on 16th May 1998 at Jedidia Church Mwiki.

After the marriage the parties resided at Kasarani – Mwiki and in Dandora Estate within Nairobi. There is one issue to the said marriage a male child and born in 1999.

This petition was not defended and was certified as undefended cause on 18th September 2003. The petitioner presented the following evidence in support of the grounds of divorce stipulated in the petition.

He testified and gave detailed incidences of cruelty both physical and verbal that was unleashed to him by the respondent. The respondent was always sullen, ill-tempered and had violent tendencies. Apart from cruelty sometime in the year 2000, the respondent deserted the matrimonial home and carried away all the household goods including all the personal effects of the petitioner.

All the efforts by the petitioner to trace the respondent failed and there has been no communication or cohabitation. According to the petitioner the marriage is irretrievably broken down and there are no chances of reconciliation.

I have given due consideration to the petitioner's, testimony in support of the petition and the particulars of cruelty and desertion. I am satisfied that since the respondent deserted in the year 2000 and has not been in communication this marriage is broken down on the grounds of desertion.

I am also satisfied that the petitioner herein has not presented or prosecuted this petition in collusion with the respondent.

Accordingly the marriage solemnized on 16th May 1998 is hereby dissolved. The decree nisi shall issue for a period of six (6) months.

There shall be no order as to costs.

It is so ordered.

Judgment read and signed on 26th March 2004.

MARTHA KOOME

JUDGE

