

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 60 OF 2002

R.A.M.....PETITIONER

Versus

D.E.W.....RESPONDENT

JUDGMENT

The petitioner in this cause, R.A.S.M, has petitioned for the dissolution of the marriage solemnized on the 17th day of November 1991 at Wakhungu C.P.K. Church between her and the respondent. After the cerebation of the said marriage the parties cohabited at Wakhungu Village in Busia and in Nairobi upto 1994.

There are two issues to the said marriage

- a) L.E.W born 1984
- b) C.D.A born in 1993 (but passed away in July 1994)

This petition was certified to proceed for hearing as undefended cause. The petitioner gave evidence in supporting the particulars of cruelty contained in the petition.

According to the petitioner, the respondent had subjected her to mental and psychological suffering by neglecting to attend to the medical needs of the children while the petitioner was pursuing her studies. The parties had mutually agreed that the respondent would be left looking after the children, which duties he neglected and this resulted in the death of the second born child.

The respondent also deserted the petitioner and the matrimonial home from 1995 to date and the petitioner has never heard from him for the last 8 years.

I have given due consideration to the evidence adduced by the petitioner in support of her petition as well as the pleading, filed herein. I am satisfied that due to reasons that the respondent deserted the petitioner without cause for a period of at least three years immediately proceeding the presentation this petition, the petitioner has proved her case. I am also satisfied that the petitioner has not condoned the desertion nor has this petition been brought in collusion.

Accordingly I pronounce a decree of divorce and the marriage solemnized on 17th November 1991 is hereby dissolved.

The decree nisi shall issue after a period of six (6) months.

There will be no order as to costs.

Judgment read and signed on 30th April 2004

MARTHA KOOME

JUDGE