

REPULIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

DIVORCE CAUSE NO. 27 OF 2001

**KHAMISI SAL SHUNGULA PETITIONER
VERSUS
TATIANA GRIGOREVNA SHUNGULA RESPONDENT**

JUDGMENT

The Petitioner then a bachelor married the respondent then a spinster on 19th February 1975 in the Republic of Russia. They cohabited as man and wife living in Diani, Kwale District in Kenya upto November 2000 when the Respondent deserted the matrimonial home. The couple was blessed with two adult issues of the marriage aged 27 and 25 years respectively. The Respondent, though served with the petition failed to enter any appearance, file a defence or even appear at the hearing. It was the Petitioner's unchallenged evidence that in November 2000 the Respondent left the matrimonial home saying she had found a job at the New Stanley Hotel at Nairobi and when the Petitioner called to find out when she would

be returning or visiting her matrimonial home, she said she wasn't. On 10th December 2001 the Respondent left for Tel Aviv her original home and informed the Petitioner that she had acquired her original citizenship and was not coming back to him. She is currently living with another man. Consequently the Petitioner filed for this divorce.

Having heard the said evidence and there being no other evidence to the contrary, I grant the divorce and a Decree Nisi shall issue. There shall be no orders as to costs since the Respondent is already living outside the courts jurisdiction.

Dated and delivered this 30th day of May 2003.

**P.M. TUTUI
COMMISSIONER OF ASSIZE**

