

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO. 172 OF 2000

K.J.S PETITIONER

VERSUS

J.A.K RESPONDENT

J U D G E M E N T

The petitioner **K.J.S**, petitioned the court for an order to dissolve her marriage to her husband, the respondent, on the ground of desertion, with no just cause.

The two got married sometime in 1956 in Nairobi. A copy of the marriage certificate was attached to the petition. The couple had 3 children, a son and 2 daughters. The son lives in the United Kingdom. Both daughters live in Kenya one in Nairobi the other in Nakuru. All the three children are married.

The petitioner testified that her husband left her in 1974 and went to the United Kingdom. He promised to make arrangements for her and the children to follow him, but he never did. She has not seen him ever since he left in 1974. They are not in touch either. The petitioner wishes to go to Britain and settle there, with her son, but does not want to go whilst married only by name. She wants to be free as her husband deserted her 27 years ago.

The records show that the petition was served on the respondent at an address in Bolton Lancs, but he did not respond. The Registrar then certified the pleadings to be in order.

From the petitioner's evidence on record, evidence which was not challenged, I believe that the respondent deserted the petitioner for no just cause for a period of 27 years. That being so, I do not see any reason why the plaintiff would continue to "hang" on a marriage which exists only by name. I therefore proceed to dissolve the marriage between the petitioner and the respondent. The petitioner will pay her own costs occasioned by these proceedings. I also order that decree nisi do issue straightaway today.

Dated at Nairobi this 24th day of January, 2002.

JOYCE ALUOCH

HIGH COURT JUDGE