



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**H. C. DIVORCE CAUSE NO. 88 OF 2001**

**F M. M ..... PETITIONER**

**VERSUS**

**H M. M ..... RESPONDENT**

**JUDGMENT**

The Petition and cross-petition filed in this cause are primarily based on the ground of desertion. The Petitioner gave evidence to the primary facts of celebration of marriage on 16th October, 1987. Their cohabitation as a wife and husband at Nairobi is also pleaded and averred by the petitioner that there is no previous proceeding in respect of the marriage and that she has not colluded with the Respondent in presenting or prosecuting the petition. In her uncontroverted evidence she stated that the respondent in the year 1996 without any reasonable cause deserted her and has not bothered to resume cohabitation despite her efforts. In the premises, I accept her evidence in its totality and find that the Respondent has deserted the Petitioner without reasonable cause for the period exceeding three years prior to filing of the petition.

I accordingly order that the marriage in fact celebrated between the parties be dissolved and decree nisi be made absolute within three months of the date hereof.

Dated and delivered at Nairobi this 16th day of August, 2001.

**K.**

**H.**

**RAWAL**

**JUDGE**