

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 224 OF 2012

E C K.....PETITIONER

VERSUS

B C K.....RESPONDENT

J U D G M E N T

The Petitioner and the Respondent were married under customary law sometime in March 1998. They formalized their marriage on 28th December 2001 at the Registrar's Office in Bomet. After the celebration of the said marriage, the Petitioner and the Respondent cohabited together as husband and wife. The marriage was blessed with two (2) issues born on 13th December 1998 and 1st June 2000. According to the Petitioner, the Respondent deserted the matrimonial home sometime in January 2002. Since then, she has not returned to the matrimonial home. The Petitioner avers that the Respondent and him have had irreconcilable differences and that all efforts to resolve them had failed. For the above reasons, the Petitioner was of the view that his marriage to the Respondent had irretrievably broken down with no chance of reconciliation. In the premises therefore, the Petitioner urged the court to grant his petition for divorce and dissolve the marriage.

The Respondent was served with a copy of the petition for divorce together with a notice requiring her to enter appearance. She did not enter appearance. Neither did she file any papers in opposition to the petition for divorce. The Deputy Registrar of this court issued a certificate certifying that this was a suitable cause to be disposed of as an undefended divorce cause. During the hearing of the cause, this court heard oral evidence adduced by the Petitioner. He essentially reiterated the contents of his petition for divorce. He told the court that the Respondent had indicated that she was no longer interested in the marriage. This court has considered the evidence adduced by the Petitioner in this cause. It was clear to the court that the marriage between the Petitioner and the Respondent has indeed irretrievably broken down with no possibility of salvage. The Petitioner and the Respondent only lived together for a period of three (3) years. They have since been separated for a period of more than ten (10) years. Efforts at reconciliation have proved unsuccessful. The Petitioner has established the matrimonial offence of desertion. In the premises therefore, this court will grant the petition for divorce.

The marriage solemnized on 28th December 2001 between the Petitioner and the Respondent at the Registrar's Office in Bomet is hereby dissolved. Decree nisi dissolving the said marriage is hereby issued. The decree nisi shall be made absolute thirty (30) from the date of this judgment. There shall be no orders as to costs.

DATED AT NAIROBI THIS 7TH DAY OF MARCH, 2014

L. KIMARU

JUDGE