

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 244 OF 2013

BETWEEN

H T S.....PETITIONER

AND

T K W.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 26th June 2009 at the Hebesha Restaurant in Nairobi. A certificate of marriage serial number *[particulars withheld]* was issued to them in accordance with the Marriage Act. The couple thereafter cohabited at Yaya Centre in Nairobi, Kenya, as husband and wife. The couple was not blessed with issue.
2. The petition in this matter was filed in court on 17th January 2013. The petitioner accuses the respondent of desertion. He is said to have deserted the matrimonial home on 27th June 2009 never to come back. He had alleged that he was going to Ethiopia and would come back. He never did. .
3. The petition was served on the respondent and he did file appearance through counsel, but he did not file answer to the divorce petition. On 2nd May 2013 the Deputy Registrar certified that the matter proceeds for hearing as an undefended cause. As there is no reply, the petitioner's allegations, as made in the petition, remain uncontroverted.
4. The petitioner testified on 19th September 2013 and gave vent to the allegations made in her petition. No counter evidence was given by the respondent, and therefore the petitioner's story was not controverted.
5. It would appear to me that the marriage between the parties herein has irretrievably broken down. It would also appear to me that there has been no collusion between the petitioner and the respondent in the bringing of these proceedings. There is also no evidence that the petitioner has condoned the adultery.
6. I hereby dissolve the marriage celebrated between the petitioner and respondent on 26th June 2009. Decree *nisi* shall issue forthwith and shall be made absolute after thirty (30) days. There will be no orders as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF March, 2014.

W. MUSYOKA

JUDGE