

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 136 OF 2012

K K D.....PETITIONER

VERSUS

L T.....RESPONDENT

J U D G M E N T

The Petitioner and the Respondent were on 8th March 2000 married at the Registrar's Office in Nairobi. The marriage was celebrated under the **Marriage Act**. After the celebration of the said marriage, the Petitioner and the Respondent cohabited together as husband and wife in Nairobi. The marriage has not been blessed with any issues although the Petitioner has a son from a previous relationship. According to the Petitioner, the Respondent left the matrimonial home in September 2004 to go to the United Kingdom to pursue a degree course in the Metropolitan University, London. The Petitioner alleges that the Respondent has since finalized her studies but has refused to return to the said matrimonial home. 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 entered appearance through his advocates but she did not file any answer to the petition. 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. In his evidence, the Petitioner essentially reiterated the contents of his petition for divorce. He told the court that the Respondent is now residing in Slovenia. After careful consideration of the facts of this case, it was clear to this court that the Petitioner had indeed established that the Respondent committed the matrimonial offence of desertion. It is now more than nine (9) years since the Respondent left the matrimonial home. According to the Petitioner, the Respondent is adamant that she would not return to the matrimonial home. In the premises therefore, it is clear that the Petitioner proved that his marriage to the Respondent had irretrievably broken down with no possibility of salvage. This court will grant his petition for divorce.

The marriage celebrated on 8th March 2000 at the Registrar's Office in Nairobi between the Petitioner and the Respondent is hereby dissolved. Decree nisi dissolving the said marriage is hereby issued. The decree nisi shall be made absolute thirty (30) days from the date of this judgment. There shall be no orders as to costs.

DATED AT NAIROBI THIS 17TH DAY OF MARCH, 2014

L. KIMARU

JUDGE