

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CAUSE NO. 199 OF 2012

G N GPETITIONER

VERSUS

F W G.....RESPONDENT

JUDGMENT

1. This petition was not defended and therefore the evidence of the petitioner in support of his quest for divorce was not challenged.

2. The petitioner and the respondent were on 20th November 1999 married at the Shrine of Mary Help Christians, Don Bosco Hill Catholic Church in Nairobi. They lived together as husband and wife at Upper Hill in Nairobi. The marriage was blessed with two children:-

- a. N W G born on 28th November 1994; and
- b. C R N G born on 17th November 1997.

3. The petitioner's case was that in November 2002 the respondent secretly obtained a U.K. Visa. She deserted the matrimonial home and went back to her parents from where she left for the U.K. She left the petitioner with the children. Five years ago she was deported from the U.K. and came back to Kenya. She did not return to the matrimonial home. The couple has had no marital relationship since November 2002.

4. The petitioner sought divorce on the ground of desertion. I accept his evidence and on it order the dissolution of the marriage between him and the respondent. *Decree Nisi* shall issue and shall become absolute after 30 days.

DATED and DELIVERED at NAIROBI this 12th June 2014.

A.O. MUCHELULE

JUDGE