



Republic of Kenya

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

DIVORCE CASE NO. 64 OF 2014

V SPETITIONER

VERSUS

A L D G.....RESPONDENT

JUDGMENT

1. This petition was not defended and therefore the evidence of the petitioner in support of her quest for divorce was not challenged.
2. The couple married on 13th February 1998 at the office of the Registrar of Marriages, Nairobi and they set up a matrimonial home at 10 Forest Road in Nairobi. The marriage was blessed by one child I G born on 27th March 2001. The petitioner testified that on 27th August 2010 the respondent deserted the matrimonial home and since then he has not returned. He stopped to cohabit with her. It is on this ground that she sought the dissolution of the marriage.
3. I accept the testimony and find the ground of wilful desertion established against the respondent. I order the dissolution of the marriage between the petitioner and the respondent. *Decree Nisi* shall issue immediately. It shall be made absolute within 30 days.
4. The parties signed an agreement on 13th March 2014, and filed it on 19th May 2014, regarding the custody and upkeep of the child of the marriage and the settlement of their financial affairs. It is hereby directed that the agreement shall form part of this judgment, and therefore bind the parties. The highlights of the agreement were that:-
 - a. the parties shall have joint custody of the child with the petitioner retaining care and control of the child until he attains the age of majority;
 - b. the respondent shall have reasonable access to the child at agreed times, and may communicate with him using the phone or other mode of modern technology;
 - c. both the petitioner and the respondent shall make joint decisions relating to the child's education which shall always be in his best interest; and
 - d. the respondent will pay for the education and the ancillary expenses for the child and these will cover primary, secondary and tertiary education.

5. The respondent shall pay the costs of the petition.

DATED and DELIVERED at NAIROBI this 12th June 2014.

A.O. MUCHELULE

JUDGE