

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 139 OF 2012

BETWEEN

E. O. C.....PETITIONER

AND

I. A. A.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 18th May 2007 at the Office of the Registrar of Marriages 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 Harambee Estate 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 10th August 2012. The petitioner accuses the respondent of cruelty and desertion. Particulars of the cruelty and desertion are detailed in the petition. The respondent is accused of deserting the matrimonial home since 2007 never to come back. The petitioner alleges to have suffered mental torture on account of the desertion.
3. The petition was served on the respondent and she did file appearance through counsel, but she did not file answer to the divorce petition. On 25th April 2013 the Deputy Registrar certified that the matter proceeds for hearing as an undefended cause.
4. The matter was heard on 15th May 2014. The petitioner testified and gave vent to the allegations made in his 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 cruelty set out in her petition and narrated in court. At the hearing.
6. I hereby dissolve the marriage celebrated between the petitioner and respondent on 18th May 2007. 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 4th DAY OF July 2014.

W. MUSYOKA

JUDGE

In the presence of Miss. Njeri advocate for the petitioner.

