



Case Number:	Divorce Cause 23 of 2003
Date Delivered:	12 May 2005
Case Class:	Civil
Court:	High Court at Nairobi (Milimani Law Courts)
Case Action:	Judgment
Judge:	Martha Karambu Koome
Citation:	J W M v J I W [2005] eKLR
Advocates:	-
Case Summary:	Divorce Cause - divorce petition struck out for failure to otaine leave before filing
Court Division:	Family
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	Dissolved
History County:	-
Representation By Advocates:	Both Parties Represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
Divorce Cause 23 of 2003

J W M.....PETITIONER

Versus

J I W.....RESPONDENT

JUDGMENT

The petitioner in this cause, J W M has petitioned for the dissolution of a marriage solemnized between her and the respondent on 12th December 1998 at the Anglican Church of Kenya Rwathia in Muranga. After the marriage the parties resided at Parkroad area in Nairobi where they cohabited only for six months.

The petitioner gave evidence in support of the particulars of cruelty contained in the petition. Immediately after the marriage the respondent stopped working with the Kenya Tea Development Authorities where he was working before the marriage. It would appear that there were ideological differences as the respondent would not allow the petitioner to go to work.

The petitioner was planning to open a business of a hair saloon but the respondent restrained her and made life intolerable.

Eventually the respondent left the matrimonial home in June 1999 and has not returned. Efforts to reconcile the parties did not bear fruits.

The parties have no children between them. The respondent has not filed any answer and the petition

was certified as undefended.

I have given due consideration to the evidence adduced by the petitioner, the pleadings filed herein and I am satisfied that the respondent has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of this petition.

I am also satisfied that the petition has not been presented through collusion and accordingly the marriage solemnized on 12th December 1998 is hereby pronounced dissolved. The decree nisi shall issue for a period of 6 months.

The petitioner shall be entitled to the costs of this petition against the respondent.

Judgment read and signed on 30th April 2004.

MARTHA KOOME

JUDGE



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