

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUSIA

MATRIMONIAL CAUSE NO. 1 OF 2016

N T L.....PETITIONER

VERSUS

E N M.....RESPONDENT

JUDGMENT

1. The petitioner and the respondent in this matrimonial cause started their marriage life together under Bukhabi/Teso customary marriage on 20.8.2012. Dowry was paid. Later on 14.1.2014 the marriage was converted to a civil marriage, and a certificate under the Marriage Act was accordingly issued at the District Commissioner's office, Busia.
2. It would appear their marriage was not destined to last. Differences started drive a wedge between the two and they became irreconcilable. On the 29.3.2015, the respondent left the matrimonial home where she had not returned at the time of hearing of the cause.
3. Both parties have raised similar grounds and both have indicated that the marriage has irretrievably broken down. They have been away from each other for about 3 years. This court cannot make a marriage, where the parties have declared it dead, work.
4. I accordingly allow the divorce as prayed in the petition and in the cross petition. The marriage is ordered dissolved. Each party to meet own costs.

DELIVERED and SIGNED at BUSIA this 15th day of March, 2018

KIARIE WAWERU KIARIE

JUDGE