

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

DIVORCE CAUSE NO. 97 OF 2015

J L.....PETITIONER

VERSUS

K FN N L..... RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 15th September 2007 at the Windsor Golf and Resort Hotel, Nairobi. A certificate of marriage serial number [particulars withheld] was issued to them in accordance with the Marriage Act, Cap 150, Laws of Kenya (now repealed). The parties cohabited thereafter at [particulars withheld] , Northamptonshire, United Kingdom. The couple was blessed with issue – S N L – aged five (5) as at the date the petition was lodged at the registry.

2. It is pleaded that the marriage has irretrievably broken down for the respondent left the matrimonial home on 9th December 2012 never to come back. The parties have not cohabited since then. The petitioner seeks dissolution of the marriage on that ground.

3. The respondent upon being served with the petition, entered appearance, through counsel, on 8th July 2015. She did not however file any papers in response to the petition.

4. On 10th December 2015, the Deputy Registrar cleared the petition to proceed as undefended.

5. The Petitioner testified on 10th March 2016. His testimony gave vent to the allegations made in his petition. He added that he attempted to reconcile with the respondent to no avail.

6. From the material placed before me it is plain that the marital relationship between the petitioner and the respondent has totally broken down. With the end of marital cohabitation, which has persisted since 2012, it cannot be said that there is marriage that can be salvaged.

7. In the circumstances, I am moved to make the following final orders:-

- a. That the marriage between the petitioner and the respondent, celebrated on 15th September 2007, is hereby dissolved;**
- b. That decree *nisi* shall issue forthwith, to be made absolute within thirty (30) days; and**
- c. That each party shall bear their own costs.**

DATED, SIGNED and DELIVERED at NAIROBI this 15TH DAY OF AUGUST, 2016.

W. MUSYOKA

JUDGE