

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

DIVORCE CAUSE NO. 124 OF 2015

R P J M.....PETITIONER

VERSUS

P B R.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 7th November 1992 at Nairobi in accordance with Ismailia customs and practices. A certificate of marriage, serial number [particulars withheld], was duly issued by the H. H. the Aga Khan Shia Imami Ismailia Provincial Council on 16th November 1992. After the celebration of the marriage the parties cohabited at Parklands in Nairobi, Kenya, but presently they petitioner resides in Uganda while the respondent lives in Nairobi.

2. It is pleaded that the marriage between the parties has irretrievably broken down for the reason that the parties are no longer companions to each other, are living totally separate lives, and are unwilling or unable to live together as husband and wife. It is pleaded that all efforts to reconcile them have failed.

3. The petition was served and the respondent did enter appearance on 29th October 2015 through counsel. However, the respondent did not respond to the petition, and the same was cleared and certified by the Deputy Registrar on 10th December 2015 to proceed as undefended. .

4. The cause was heard on 19th May 2016. The petitioner testified. In his testimony he gave vent to the allegations made in his petition. As the cause was undefended the petitioner's testimony was not controverted.

5. From the material placed before me it is plain that the marital relationship between the petitioner and the respondent has totally broken down. I have noted from the testimony of the petitioner that the parties having been living apart for quite some time now.

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

(a) That I allow the petition herein dated 10th September 2015 and decree that the marriage between the petitioner and the respondent, celebrated on 7th November 1992, is hereby dissolved;

(b) That decree nisi shall issue forthwith, to be made absolute after thirty (30) days; and

(c) That there shall be no order as to costs.

DATED, SIGNED and DELIVERED at NAIROBI this 25TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE