

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 78 OF 2013

BETWEEN

G F MPETITIONER

AND

M C WRESPONDENT

JUDGEMENT

1. The Petitioner and the Respondent, both divorcees were lawfully married on 21st December 2004 at the Registrar’s Office in Nairobi. A certificate of marriage serial Number [Particulars Withheld] was issued to them in accordance with the **Marriage Act (Cap 150 Laws of Kenya)**. The couple thereafter cohabited at Kilimani in Nairobi. Both Petitioner and Respondent are domiciled in Kenya where they are in business. They have no issue of the marriage.
2. The Petition filed on 11th April 2013 is premised on grounds of cruelty and desertion as particularised therein. The acts of cruelty are said to have been directed at the Petitioner by the Respondent. The Petitioner avers that since the year 2005, the Respondent without any justifiable reason, left the matrimonial home never to return or communicate with the Petitioner. The Petitioner states that prior thereto the Respondent had denied him the enjoyment of conjugal rights causing him to suffer psychologically. He therefore prays that the marriage between him and the Respondent be dissolved.
3. The Petitioner confirms that this Petition has not been presented or prosecuted in collision with the Respondent, nor has he connived or condoned the acts of cruelty or desertion complained of. He has also certified that there have been no previous proceedings filed regarding the marriage. He further states that efforts at reconciliation through family members and friends have borne no fruit.
4. On 9th October 2014, the Deputy Registrar certified that the matter was suitable to proceed for hearing as an undefended cause for one day in Nairobi. The Respondent had been served with the petition and notice to appear on 26th May 2014 but she did not appear nor did she file an answer to the Petition or a cross-Petition thereto. The Petitioner testified on 12th March 2015 and basically confirmed what he had set out in the Petition.
5. From the foregoing it is evident that the marriage celebrated between the parties herein on 21st December 2004, no longer exists as it has irretrievably broken down and cannot be salvaged. It is meet that the court therefore makes the following orders:
 - a. That the marriage celebrated between the Petitioner and Respondent at the Registrar’s office in Nairobi on 21st December 2004 is hereby dissolved.
 - b. That Decree nisi dissolving the said marriage is hereby issued to be made absolute thirty (30) days from the date of this judgment.

c. There shall be no orders as to costs.

SIGNED DATED and DELIVERED in open court this 16th day of April 2015.

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L. A. ACHODE

JUDGE