



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**DIVORCE CAUSE NO. 12 OF 2015**

**D.S.P.....PETITIONER**

**VERSUS**

**M.H.A.....RESPONDENT**

**JUDGMENT**

1. The petitioner D.S.P. is a Kenyan national and the respondent M.H.A. is a British national. They met in Sydney in Australia and began to stay together. On 20<sup>th</sup> April 2013 they got married. The marriage was solemnized at the West Pennant Hills Community Hall, West Pennant Hills, NSW. The couple tried to stay together but that could not work. They are both Hindu. According to their custom they were supposed to come to Kenya for a customary marriage. Further, the custom forbade them from consummating the marriage until this customary marriage had been done. The respondent refused to come to Kenya and, instead, and without informing the petitioner, went to UK. She ceased to communicate with him and began to have an affair with another man. The petitioner eventually returned to Kenya. He seeks the nullification of the marriage on the basis that the same was not consummated. The petition was filed on 16<sup>th</sup> January 2015.

2. This petition was served but this did not elicit any response. The petitioner's evidence was therefore not controverted. I accept the evidence.

3. I declare that the marriage celebrated on 20<sup>th</sup> April 2013 between the petitioner and the respondent was a nullity. The petitioner was not interested in the costs of the petition. The same will not therefore be granted.

**DATED and DELIVERED at NAIROBI this 24<sup>th</sup> September 2015**

**A.O. MUCHELULE**

**JUDGE**