

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 47 OF 2014

BETWEEN

A J.....PETITIONER

AND

P PRESPONDENT

JUDGEMENT

1. The Petitioner then a spinster and the Respondent then a bachelor, were married on 6th July 2011 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)** and is annexed to the Petition. The couple thereafter cohabited at Parklands in Nairobi within Kenya as husband and wife. They have no issues of the marriage. They are both Kenyan citizens and are domiciled in Kenya.
2. The Petition in this matter was filed in court on 3rd March 2014 and is premised on grounds that the incompatibility of the parties became apparent during their cohabitation which lasted for only three months. They separated on or about 6th October 2011 and have not lived together to date. The Petitioner asserts that the marriage between the Petitioner and the Respondent has broken down irretrievably for reasons that during the currency of the marriage, they neither communicated nor had any conjugal relationship. That no marital relationship has subsisted between them whatsoever since their separation in thereto. October 2011. The Petitioner further states that at the time of separation they had no claim of any kind whatsoever against each other arising out of their said marriage.
3. The Respondent was served with the Petition and the hearing notice on 17th June 2014. He did not file any answer. On 2nd 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 Petitioner testified on 30th October 2014 and reiterated what she had set out in the Petition. She also stated that this Petition has not been prosecuted in collusion with the Respondent. She prays that the marriage celebrated between them be declared null and void. The Respondent did not appear in court to testify.
4. From the foregoing it is my view therefore, that the marriage between the parties herein is not capable of being salvaged as it never existed in the first place, having not been consummated. The parties have also been separated for three years during which there has been no effort reconciliation from either side.

In the premise I make the following orders:

- a. That the marriage celebrated between the Petitioner and Respondent at the Registrar's office in Nairobi on 6th July 2011 is hereby declared **null and void**.
- 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 **20th** day of **November 2014**.

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L. A. ACHODE

JUDGE