



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**DIVORCE CAUSE NO. 11 OF 2013**

**BETWEEN**

**M M M.....PETITIONER**

**AND**

**D K M.....RESPONDENT**

**JUDGEMENT**

1. The petitioner seeks dissolution of a marriage purportedly celebrated on 18<sup>th</sup> September 2004 at the Sirikwa Hotel, Uasin Gishu District between her and the respondent.
2. There is evidence that the petition was served on the respondent, but there is nothing on record to show that the respondent entered appearance and filed answer to the petition. It was against that background that the petition was cleared for hearing as undefended.
3. I have noted that the petitioner has not in her petition indicated the system of law under which the said marriage was celebrated. It is not pleaded whether the marriage was under statute, customary law or Islamic law. If the same was celebrated under statute, a copy of the marriage certificate issued was not attached to the petition.
4. The petitioner testified on 2<sup>nd</sup> October 2014. In her evidence she did not allude at all to the system of marriage under which her alleged marriage was contracted, neither did she produce any certificate of marriage, nor lead evidence of any kind on the celebration of the marriage. She confined herself to matters on the problems that she allegedly had in the purported marriage.
5. There is therefore no proof that there existed a marriage between her and the respondent. Consequently, there is no basis for me to grant the prayers sought in the petition dated 22<sup>nd</sup> January 2013. The same is hereby dismissed.

**DATED, SIGNED and DELIVERED at NAIROBI this 11<sup>th</sup> DAY OF December 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Miss. Ng'ang'a for Mr. Muli advocate for the petitioner.**