

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Miscellaneous Application 125 of 2012

IN THE MATTER OF S.M.N AND K.K

S.M.N APPLICANT

VERSUS

R.K..... RESPONDENT

RULING

I have perused the Notice of Motion dated 18.10.2012. I have also perused the documents attached to the affidavit of the Applicant sworn on 18.10.2012 which show that the parties had their marriage dissolved on 27.8.2012 in Japan. I have also perused the “certificate of no impediment to marriage” issued on [particulars withheld] 1997 by the Kenya Senior Deputy Registrar General of Marriages under the provisions of the Marriage Act, Cap 150 of the Laws of Kenya. The Applicant, S.M.N seeks in the Notice of Motion an order that decree dissolving the marriage between him and the Respondent issued on 27.8.2012 in Miyauchi, Shinichi-co Hiroshima, Japan be made an order of this court. I observe that the parties registered their marriage in Japan on [particulars withheld] 1997 and that the marriage was dissolved on 27th August 2012 in accordance with the law of Japan. As the Applicant’s marriage in Japan to the Respondent has been dissolved in accordance with the law of Japan, and as the Applicant and the Respondent are no longer man and wife in the eyes of the law of Japan where the marriage was contracted and registered, justice dictates that the dissolution of the parties marriage to each other be recognized in Kenya to facilitate enjoyment by them of their new status as single man and single woman each with capacity to marry again.

Accordingly, I allow the application by the Notice of Motion dated 18.12.2012 and grant orders in terms of prayer 1 of the application.

Each party shall bear its own costs. I direct that this Ruling and the formal order to be extracted be served on the Respondent.

G. B. M. Kariuki, SC

JUDGE

Dated, delivered and signed on this 15th day of February 2013 by the Honourable Justice W. Musyoka on behalf of Justice G.B.M. Kariuki.

JUDGE

Counsel appearing

Mr. Philip Kaingu, Advocate, of Katsoleh & Co. Advocates, for the Applicant

Court Clerk - Kugwa