



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT MALINDI**

**DIVORCE CAUSE NO. 10 OF 2012**

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

**VERSUS**

**D. M. N. R. A. ....RESPONDENT**

**JUDGMENT**

1. This suit proceeded as an undefended cause, the Petitioner giving evidence in support of his Petition for the nullification, or alternatively, dissolution of the marriage subsisting between him and the Respondent.
2. The parties were married on 30th June, 2009 in India under the Hindu Marriage Act (India). The Petitioner is domiciled in Kenya. A few days later the new couple traveled to Malindi to take up cohabitation as a married pair. In a matter of a month, the Respondent deserted the Petitioner and returned to India on 12th August, 2009.
3. The marriage had by that date not been consummated due to the willful refusal of the respondent. The Petitioner's evidence is unchallenged. However, in the court's view the Petitioner's case is on a more sure footing with regard to desertion by the Respondent. On that ground, which I find proven I do grant prayer (b) of the Petition.

Each party will bear own costs.

Delivered and signed at Malindi on this **13th** day of **November, 2013** in the presence of Mr. Ole Kina for the Petitioner. Petitioner present.

Court clerk – Samwel.

**C. W. Meoli**

**JUDGE**