

**IN THE MATTER OF AN APPLICATION BY MICHELE LA ROSA FOR THE LODGING OF
THE DECREE OF DISSOLUTION OF MARRIAGE MADE IN THE LAW COURT OF
CREMONA, ITALY**

MLR.....APPLICANT

VERSUS

GJW.....RESPONDENT

JUDGMENT

This Originating Summons is dated 19th June, 2012 and taken out pursuant to **Sections 4B, 6 and 8** of the **Matrimonial Causes Act**, and **Sections 1A, 1B, 3A** and 9 of the **Civil Procedure Act**. The Applicant thereby seeks from the court an order that-

“A decree of Dissolution of marriage under Civil Cause No. 2779 of 2010 made on 15th September 2011 in the Law Court at Cremona, Italy, dissolving the marriage between the parties herein be made an order of this honourable court.”

The application is supported by the annexed affidavit of Alexandra Nangalwe Mwenya Muniafu, Advocate for the Applicant, and is based on the grounds that the parties herein solemnized their marriage at the Registrar’s Office in Nairobi on 30th July, 2003. Upon their relocation to Italy from where the Applicant hails, and while living in Cremona, Italy, the parties successfully registered the marriage before the Registrar of Civil Marriage in Cremona, Italy, in 2007. That marriage was dissolved by the Law Court of Cremona, Italy, in 15th September, 2011. For this reason the Applicant seeks to have the order of that dissolution made an order of this court.

I have considered the application before the court. I think it makes sense that having had the marriage dissolved in Italy, it should also be dissolved in Kenya. It would sound strange that a couple which has divorced in one country should be regarded as still married in another country. Such a contradiction would inevitably cause more problems than solutions. I therefore grant the application and order that the decree of dissolution of marriage under **Civil Cause No. 2779/2010** made on 15th September, 2011 in the Law Court at Cremona, Italy, dissolving the marriage between the parties herein be and is hereby adopted as an order this court.

Orders accordingly.
Costs in the cause.

DATED and DELIVERED at NAIROBI this 26th day of July, 2012.

L. NJAGI
JUDGE