

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

DIVORCE CAUSE NO.115 OF 2009

D.T.H.....
.....PETITIONER

VERSUS

G. M. F.....
RESPONDENT

J U D G M E N T

The petitioner and the respondent were on 16th November 2007 married under the **Marriage Act**. They were married at Lavington estate in Nairobi. The couple has not been blessed with any issues. At the time the petitioner and the respondent were married, they were domiciled in different countries. The petitioner is a resident of Kenya whilst the respondent is a resident of Washington DC, United States of America. According to the petitioner, after the celebration of the said marriage, the respondent went back to the United States of America. Since then, the respondent and the petitioner have met twice for short periods of time. The petitioner avers that since going back to the United States of America, the respondent has cut off communication to the petitioner. The petitioner states that the respondent denied her access to his house and even went further to demand that the petitioner return the car that he had given to the petitioner. The petitioner averred that the respondent had failed to materially and financially support her hence her decision to petition the court for divorce. The respondent was served by substituted service. He did not enter appearance. The petition for divorce is therefore unopposed.

During the hearing of the petition for divorce, this court heard the oral evidence adduced by the petitioner. She basically reiterated the contents of her petition for divorce. It was clear from the said evidence that the marriage between the petitioner and the respondent took a wrong trajectory from the time it was celebrated. The petitioner and the respondent have not had an opportunity to live together as husband and wife for a considerable period of time. It is apparent that the fact that the petitioner and the respondent lived in two countries separated by a considerable distance eventually took its toll on the nascent marriage. The fact that the petitioner and the respondent were living in two different continents affected their capacity to effectively communicate. It was evident to the court that the marriage between the petitioner and the respondent had irretrievably broken down with no possibility of salvage.

In the premises therefore, the marriage celebrated between the petitioner and the respondent on 16th November 2007 is hereby annulled. *Decree nisi* is hereby issued dissolving the said marriage. The *decree nisi* shall be made absolute within thirty (30) days of the date of this judgment. There shall be orders as to costs.

DATED AT NAIROBI THIS 26TH DAY OF NOVEMBER, 2010

L. KIMARU
JUDGE

