



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)  
DIVORCE CAUSE 142 OF 2007**

**KGA.....PETITIONER**

**VERSUS**

**....RESPONDENT**

**JKR.....**

**JUDGEMENT**

This petition seeks prayers to declare the marriage solemnized between the parties herein as null and void on the ground of willful non-consummation of the marriage by the Respondent herein.

The Respondent despite being served has not entered her appearance and her response.

The Petitioner in his testimony briefly stated that he married the Respondent on 30<sup>th</sup> August, 2006 under the Marriage Act and he produced the Marriage certificate. The certificate does show that the Petitioner/husband was 21 years of age and the Respondent was 25 years of age at the time of the marriage. He testified that the marriage was arranged by their respective parents to bring the two families closer and that is why he was married at an early age of 21 years.

The Respondent, after the marriage was solemnized, refused to consummate the marriage and totally disappeared. Despite the efforts of his parents, the Respondent did not agree to consummate the marriage without giving any reasons. Afterwards it became quit clear that the Respondent is not willing to consummate the marriage, he filed the present petition.

They both are domiciled in Kenya.

He denied that he has presented or prosecuted the petition in collusion with the Respondent. The above testimony remained uncontroverted. Moreover, I did find the Petitioner as a credible witness showing distress on his position. I am also satisfied that the parties have not colluded in presenting this petition, and that the Respondent after agreeing to enter into matrimonial bond, has refused to consummate the marriage. Thus the Petitioner has proved his case as per the required standard of proof in the Matrimonial causes.

In the premises, aforesaid I do declare the marriage solemnized between the parties as null and void.

The decree nisi be made absolute within 45 days so that the young man can move on with his life.

I shall not make any order on costs.

Dated and signed at Nairobi this 29<sup>th</sup> day of 09.

**K.H. RAWAL**

**JUDGE**

**29.1.09**