



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**DIVORCE CAUSE 56 OF 2008**

**G.P.H ..... PETITIONER**

**VERSUS**

**A.T.A .....RESPONDENT**

**JUDGEMENT**

The Parties herein got married at Nairobi on 3<sup>rd</sup> August, 1995 as per the provisions of the Marriage Act, (Cap 150). The Petitioner/husband was 26 years old and the Respondent/wife was 38 years of age.

The Petitioner, though a Canadian citizen, is a resident of Kenya Since 1995. The Respondent is a citizen of Cote D'Ivoire (Ivory Coast) and is not a resident of Kenya.

The Petitioner is working with [*particulars withheld*] and the Respondent is an employee of [*particulars withheld*].

After two days of the marriage the Respondent left Kenya to join her duties in Rwanda. Their cohabitation thus was made impossible due to her continual stay out of Nairobi. Before filing of the petition the Petitioner has not been with the Respondent for over two years. The Petitioner suffered mental anxiety and embarrassment due to the constant lack of consortium and companionship. According to him their marriage is irretrievably broken due to conduct of the Respondent.

He had filed an earlier petition for dissolution being Nairobi High Court Divorce Cause No. [*particulars withheld*]. The same was withdrawn presumably with a hope of the some change in their marriage.

This petition was then filed on 23<sup>rd</sup> May, 2008 and though duly served, the Respondent, apart from filing a memo of Appearance, did not file any Answer to the petition.

During the hearing of the petition, the Respondent was represented by a counsel who asked questions on the earlier petition which had already been disclosed by him in this petition and his child born out of wedlock.

This marriage between the couple who has long gap in their ages, has suffered set back from the inception. It is no surprise to the court that the marriage under these circumstances is bound to break. This marriage has faced the hazards which definitely cannot be included in the list of usual wear and tear of a married life.

He also testified that he has not filed this petition in collusion with the Respondent and that he has not condoned those acts of the Respondent.

I am, from the evidence of the Petitioner which remained largely uncontroverted in material aspects, satisfied that the marriage between the parties before me is irretrievably broken and that to stretch this paper of marriage any further will not be in interest of either party.

I thus grant decree nisi of the dissolution of the marriage, which shall be made absolute within 120 days from the date hereof.

I shall not make any order on costs.

Dated, Signed and Delivered at Nairobi this 25<sup>th</sup> day of June, 2009.

**K.H. RAWAL**

**JUDGE**

**25.6.09**