

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

Divorce Cause 2 of 2008

EGO.....PETITIONER

VERSUS

MMS.....RESPONDENT

JUDGMENT

On 24th June 2003 Enock Gichaba Otara, the Petitioner in the this cause, then a bachelor, married Mary Moraa Sagwe, the Respondent, then a spinster, at a marriage ceremony held at the Superintendent Registrar's Office at Nakuru. Thereafter they did not have any sexual relations. The Respondent immediately after the ceremony of marriage went to Nairobi and has, despite pleas from the Petitioner refused to return to Nakuru.

The Petitioner therefore seeks the nullification of their marriage on the ground that the Respondent has refused to have it consummated. Though served with the petition, the Respondent has not opposed it. In his evidence the Petitioner stated that they intended to migrate to the USA after marriage. It appears that was the purpose of the marriage and on failure to secure a visa to the USA the Respondent has for now over 5 years studiously refused to consummate the marriage. In the circumstances I accede to the Petitioner's plea and hereby nullify the marriage between him and the Respondent.

DATED and delivered this 14th day of October, 2008.

D. K. MARAGA

JUDGE