

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS

Divorce Cause 73 of 2006

B.J.B..... PETITIONER

VERSUS

H.O.S.M..... RESPONDENT

JUDGEMENT

The Petitioner in this cause has prayed for an order that the marriage solemnized between her and H.O.S.M the Respondent herein be declared as a nullity.

Their marriage certificate was produced to show that they were married on 19th January, 2005.

In her uncontroverted testimony, she testified that after the marriage the Respondent by his willful act refused to consummate the marriage despite all her efforts and advances made. She denied that she has not been accessory to or connived at such act of non-consummation.

She also denied that she has colluded with the Respondent to present or prosecute this petition.

Before me was a 22 years old woman who seemed to have undergone the marriage without knowing that the Respondent had other intentions or purposes to solemnize this marriage except to consummate.

I have no reason to doubt the veracity of her testimony and believe the same as a true version of what the Petitioner went through.

I thus declare the marriage solemnized between the parties herein as null and void. The marriage without consummation is, as per law, null and void.

The decree nisi be made final within 90 days from the date hereof.

Dated and signed at Nairobi this 26th day of October, 2006.

K.H. RAWAL

JUDGE

26.10.06