

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO. 71 OF 2004

C A W.....PETITIONER

Versus

S M S.....RESPONDENT

JUDGMENT

The petitioner in this divorce cause sought for an order declaring the marriage that was solemnized between her and the respondent on 23rd July 2002 at the Registrars Office, Nairobi a nullity.

This was an undefended petition, and the Registrars certificate was issued on 29th April 2004.

During the hearing the petitioner gave evidence and reiterated the grounds of nullity contained in paragraph 6 of the petition.

According to the petitioner, who is domiciled in the Republic of Kenya, there was no cohabitation after marriage and the marriage was not consummated.

There is no issue of the marriage. Soon after the marriage, the respondent left the country. He promised to take the petitioner out of the country but he has never returned.

The respondent declined even to spend one night with the petitioner and his intention was to get a marriage certificate in order to get a tax exemption. Accordingly the petitioner who has not filed this petition in collusion sought for the orders.

I have given due consideration to the grounds advanced in support of this petition.

Am satisfied that for reasons that this marriage was never consummated since July 2002 and the respondent has not shown up since marriage. I am satisfied that the marriage that was solemnized between the petitioner and respondent is hereby declared a nullity.

The decree nisi shall issue for a period of 3 months.

The petitioner shall have the costs of these proceedings.
It is so ordered.

Judgment read and signed on 4th February 2005.

MARTHA KOOME

JUDGE

