

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

MATRIMONIAL CAUSE NO. 8 OF 2001

RUBINA MARIVONNE HAROON..... PETITIONER

V E R S U S

ALBERTO FAIT..... RESPONDENT

J U D G M E N T

The parties in this matter were married on 21st August, 1998. It is a monogamous marriage. The parties after the marriage stayed at Nairobi. But according to the petitioner the Respondent just refused to consummate the marriage despite her efforts to persuade the Respondent. The Respondent eventually left matrimonial home in January, 1999. Since that time the petitioner has not met the Respondent.

The Respondent was served with the petition but did not appear and the Deputy Registrar certified the petition as an undefended cause on 7th March, 2002. In absence of any controversion of the testimony given by the petitioner, I am inclined to believe that she is telling the truth.

The law entitles the petitioner for a decree of nullity in the case of willful non-consummation of marriage by the Respondent. This is the case here.

I therefore direct that the marriage celebrated between the parties herein be declared a nullity.

The decree nisi of nullity be made absolute within six months of the date hereof.

Dated and delivered at Nairobi this 3rd day of October, 2002.

K. H. RAWAL
JUDGE.

