



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**NULLIFICATION CAUSE NUMBER 1 OF 2018**

**RL.....PETITIONER**

**VERSUS**

**DKT.....RESPONDENT**

**JUDGMENT**

1. By way of a petition dated 5/3/2018, RL (hereinafter the petitioner) seeks orders;

**(a) THAT the marriage celebrated on 16<sup>th</sup> April, 2016 at the Full Gospel Churches of Kenya be nullified.**

**(b) Costs of the suit.**

2. The petition is premised on ground that DKT (respondent) has failed to consummate the marriage. The marriage is thus null and void as consummation has never taken place.

3. In answer to the petition dated 21/3/2018, the respondent states that the petitioner moved out of the matrimonial home twelve (12) months into the marriage. He consents to the nullification of the marriage.

4. The petitioner's evidence is that she wedded the respondent on the 16/4/2016 in a church wedding. The respondent changed soon after. He denied her conjugal rights.

5. The petitioner returned home and broke the news to her parents. Efforts by one Bishop Macharia to save the marriage were in vain.

6. The respondent's evidence confirms the marriage. He says he got sick on the day after the marriage. He later lost contact with the petitioner as she was in Baringo.

7. I have had occasion to consider the petition and the answer to petition as well as the evidence adduced at the hearing.

8. It is quite clear that the marriage herein was not consummated. The respondent affirms as much. Indeed, he is not opposed to the nullification of the marriage.

9. I am satisfied that the marriage herein was not consummated and the same should be nullified.

10. With the result that the petition herein is wholly successful. I allow the same and make the following orders;

**1. The marriage between RL and DKT is hereby nullified.**

**2. Each party to bear its own costs.**

**Dated and Delivered at Nakuru this 11<sup>th</sup> day of December, 2018.**

**A. K. NDUNG'U**

**JUDGE**