

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

AT NAIROBI

FAMILY DIVISION

MISC. APPLICATION NO. 58 OF 2012

G V D F.....APPLICANT

R N W.....RESPONDENT

RULING

1. Regrettably, the court file relating to this miscellaneous application was misplaced and as a result, this ruling could not be delivered as scheduled.
2. The applicant sought in his originating summons dated 2nd May 2012 for an order to file a petition in the divorce registry at Nairobi for dissolution of his marriage to R N W which was solemnized on July 28th, 2011 notwithstanding that the period of three years had not elapsed since the date of solemnization of the said marriage.
3. The period of three (3) years has now elapsed since the marriage was solemnized and the applicant is entitled in law to petition for divorce without leave of the court. This makes leave unnecessary.
4. The effluxion of time has also rendered the ruling superfluous.

G.B.M. KARIUKI, SC

JUDGE

Delivered at Milimani Law Courts, Nairobi, on this 6th day of February 2015 by the Honourable Justice W. Musyoka on behalf of Justice G.B.M. Kariuki.

JUDGE

COUNSEL APPEARING

Mr. Wycliffe advocate, of M/s Kitheka & Co. Advocates for the applicant No appearance for the respondent

Court clerk – Mr. Wahinya Kugwa