

IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT HIGH COURT MAITAMA –ABUJA

BEFORE: HIS LORDSHIP HON. JUSTICE S.U. BATURE

COURT CLERKS: JAMILA OMEKE & ORS
COURT NUMBER: HIGH COURT NO. 34
CASE NUMBER: SUIT NO. FCT/HC/PET/286/19
DATE: 10TH October, 2019

BETWEEN:

RUTH DURBA.....PETITIONER

AND

ALFERED MBA DURBA.....RESPONDENT

APPEARANCE
Ruth Ozis Awasak

JUDGEMENT

The petitioner Ruth Ozis Awasak has filed petition for dissolution of her marriage to her husband Alfered Mba Durba.

The said petition is dated 13th May 2019 and file same day.

The ground stated in the notice of petition for seeking the dissolution are as follows:-

- (a) Desertion for a period of over one year: that the Respondent willfully deserted the petitioner on the day of their marriage, precisely on the 13th of January, 2018 a period of over one year.
- (b) Non consummation of marriage: that the petitioner and the Respondent have not consummated the marriage since the day of their marriage on the 13th of January 2018.
- (c) Intolerability: that the petitioner and respondent can no longer tolerate each other and the Respondent has sought and obtained a certificate of divorce against the marriage of the petitioner and the respondent at the Area Court Shere, Federal Capital Territory Bwari, Abuja.

The petitioner testified before this court today being the 10th day of October, 2019

In her evidence before the court she testified that she had dated the petitioner and subsequently got married to him on the 13th day of January 2019. That immediately after concluding the process at the Registry in AMAC, Abuja FCT, the Respondent had a confrontation with her sister. That the Respondent left the premises and since then she's not seen the respondent. According to the petitioner she made several attempts to reconcile with the respondent by calling him on the phone but all to no avail. That the respondent asked her to file for divorce and he subsequently sent her a Customary divorce certificate via E-mail.

A certificate of their marriage at Amac Abuja, FCT as well as the customary Divorce Certificate were tendered through the petitioner, and admitted and marked as Exhibits A and B respectively.

The learned petitioner's counsel also informed the court that the Respondent has given his consent in writing for the marriage between him and the petitioner to be dissolved.

Counsel referred the court to the said consent being duly filed and attached to the court's record.

I have carefully considered this petition for dissolution of marriage, the grounds upon which it is predicated, the verifying affidavit of the petitioner, her evidence before the court as well as the Exhibits tendered through the petitioner.

Most importantly, I have given consideration and taken judicial notice of a letter of consent to dissolve the marriage between the petitioner and the Respondent, written by the Respondent himself Alfered Mba Durba, dated 8th October 2019 and filed same day giving his consent to the dissolution of his marriage with the petitioner.

By the provision of section 15(2) of the matrimonial causes Act CAP M7 LFN 2004, the court is empowered to grant an order of dissolution of marriage where it is satisfied that-the marriage has broken down irretrievably.

From the facts and evidence presented by the petitioner in this case. I am satisfied that the provision of section 15 (2) (a) (c) and (d) of the matrimonial causes Act cap m7 LFN 2004 have been met by the petitioner that her marriage with the Respondent has broken down irretrievably. On this premise, I hereby make an order Nisi dissolving the marriage between Mr., **ALFRED MBA DURBA** and Mrs. **RUTH DURBA** celebrated in the Abuja municipal Area council (AMAC) Abuja, Nigeria on the 13th day of January 2018.

The decree shall be made absolute if nothing intervenes within a period of three months from the date thereof.

Signed

Hon. Justice Samirah Umar Bature

10/10/2019

