

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT KUBWA, ABUJA**  
**ON TUESDAY, THE 4<sup>TH</sup> DAY OF MARCH, 2020**  
**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**  
**JUDGE**  
**SUIT NO.: FCT/HC/BW/PET/20/20**

**BETWEEN:**

**NNENNA HANNAH ONUIGBO                   -----                   PETITIONER**

**AND**

**ONYEMAECHI ONUIGBO                   -----                   RESPONDENT**

**BENCH JUDGMENT**

World over, there is no Court that has the discretionary power or power under any law to force parties in marriage to continue staying married against their will. The discretionary power does not extend to that.

Once any of the parties to a marriage indicates that he or she cannot go on with marriage, the Court has no reason not to grant it unless it is prohibited by them or the petition is based on fraud.

Today a Forty eight (48) years old Nnenna Hannah Onuigbo who was married to the Respondent Onyemaechi Onuigbo aged Forty nine (49) has approached this Court to seek for the dissolution of the marriage

solemnized at the Cathedral of St. Bartholomew Kubwa, Abuja on the 15<sup>th</sup> day of March, 2010.

The marriage is blessed with two (2) Children Michelle and Olivia aged eight (8) and five (5) years old respectively. They are in the custody of the Petitioner as I deliver this Judgement.

The reason for the dissolution which this Court finds difficult to relate to the reason stated in S. 15 (2) MCA are that the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with Respondent.

That there is two (2) years desertion but then as the couple have lived together apart for over two (2) years before the presentation of this case.

The Respondent did not file any answer to this petition and had not also challenged same including the issue of custody of the two (2) minor Children of the marriage. The Respondent had stated that Petitioner had never denied him access to the Children of the marriage, a fact which the Petitioner confirmed.

From all indication both parties who are only one year apart and are in their late forties are old enough and matured too when they got married about ten (10) years ago. In fact the marriage is ten (10) days less than ten (10) years.

This Court has no discretionary or other statutory powers to insist that the parties remain married more so when both have stated before this Court today that they can no longer live with each other as husband and wife.

Since it is evident by the statement of both parties in Court that the issue of custody is not in dispute, this Court has no reason not to dissolve the marriage as sought.

The said marriage between Nnenna Hannah Onuigbo and Onyemaechi Onuigbo is hereby DISSOLVED since from all indication the said marriage has broken down irretrievable more so when the parties have lived apart for over two years preceding this petition.

This is the Order Nisi made today 4<sup>th</sup> day of March 2020 by me

The two Children of the marriage should continue to be in the custody of the Petitioner. But the Respondent shall continue to have access to the said Children.

Upon the expiration of Ninety Three (93) day after the making of this Order Nisi the said Order Nisi shall automatically made absolute.

**This is the Judgement of this Court.**

**Delivered today the \_\_\_\_\_ day of \_\_\_\_\_ 2020 by me.**

**Judgement having been made absolute this matter starts CLOSED**

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**K.N. OGBONNAYA**  
**HON. JUDGES**