

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT KUBWA, ABUJA**

**ON WEDNESDAY, THE 1<sup>ST</sup> DAY OF JULY, 2020**

**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**

**JUDGE**

**SUIT NO.: FCT/HC/BW/PET/22/19**

**BETWEEN:**

**MRS. ALEXIS MNGUDE FUNDOH ONUH.....PETITIONER**

**AND**

**MR.SUNDAY IDOKO ONUH.....RESPONDENT**

## **BENCH JUDGMENT**

In this Petition, the parties were married on the 10/3/17. From the testimony of the Petitioner the couple have live apart since 2017. Going by the paragraph 6 of the Affidavit in support of the Application the couple never co-habited. They had no child in the marriage. From the time of the marriage on 10/3/17 they had disagreement. According to the Petitioner immediately after the celebration of the marriage the Petitioner alleged that Respondent warned her not to follow him to his abode at opposite Golden Bless Hotel Sokale Dutse. She returned to her house. The Respondent subsequently moved out of the said Residence near the said Golden

Bless Hotel. He deserted the Petitioner and abandoned her for over 2 years preceding the filing of this Petition. That they lived apart from inception of the marriage till date. He denied knowing the Petitioner and never answered her calls. He persistently and consistently refuse to consummate the marriage. She asked the Court to dissolve the marriage which has according to her broken down irretrievably.

Once there is evidence that parties have lived apart for over one year preceding the filing of a Petition, it is said that there is a desertion. Again any denial of conjugal right for over 6 months is a red flag that the marriage is ill. So where desertion is longer and no consummation of marriage, it is clear that the marriage has broken down irretrievably. Those 2 issues are some of the facts which by the provision of Section 15 (2) MCA are what a Petitioner can use to support her claim that marriage has broken down irretrievably.

Today in this case that is exactly what is the faith of this young woman Alexis. It is the law that no Court has a right to Order that a person must continue to live in a marriage that has obviously broken down irretrievably. From all indication there was actually no "marriage" in the real sense because the parties never existed as married couples.

The Respondent on his own who had all this while never lived or consummated the marriage is equally not challenging the dissolution of the marriage. The same Respondent has not challenged the Petitioner. He has a Counsel in Court who represents him. The Counsel has stated that the Respondent instructed him to tell Court that he is not challenging the Suit. He had only asked the Petitioner what she does or where she works. She said Tongyi Group Ltd. This Court has no power to force the young lady to continue living with a

man who she never actually lived with or continue in the marriage that has obviously broken down irretrievably.

Going by all the above, this Court hereby grant the Reliefs as sought to wit: Ordering the dissolution of the marriage between Alexis Mngude Fundoh Onuh And Sunday Idoko Onuh contracted on the 10/3/17.

By this Order Nisi the said marriage is hereby dissolved today 1/7/20. If after 90 days the parties failed to get back to each other as husband and wife this Order Nisi SHALL automatically be made absolute.

This is the Judgment of the Court delivered today.

The..... Day of .....2020 by me.

.....

**K.N.OGBONNAYA**

**HON.JUDGE**