

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON WEDNESDAY, THE 31ST DAY OF MARCH, 2021

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

JUDGE

SUIT NO. FCT/HC/BW/PET/4/19

ADEOLA PEDETIN OBADIMEJI _____ PETITIONER

AND

OBADIMEJI OLUWAFUNMILOLA OLUWASEUN RESPONDENT

JUDGMENT

This Suit is predicated on Matrimonial Causes filed on the 14th day of November, 2019, the Petitioner seeks for a Decree of the dissolution of the said marriage between Adeola Pedetin Obadimeji and Obadimeji Oluwafunmilola Oluwaseun, the Petition was based on the sole ground that the marriage has broken down irretrievably and that Petitioner finds it difficult to continue living with the Respondent as husband and wife.

COURT:

When any one is served with a Court Process and the party on other side of the aisle, it is incumbent on such party to respond to the process served on it. More so when the service was done following due procedure permitted by law and Constitution. Failure to respond in person or in paper, by self or Counsel of choice means

that such person served has nothing to say and has therefore admitted any or all the allegations made against him. In that Case the Court deems the facts as admitted, uncontroverted and unchallenged. This is applicable in all manner of cases before the Court.

In this Matrimonial case the Petitioner-Adeola Pedetin Obadimeji had sought for a Decree for the dissolution of the marriage between her and Oluwafunmilola Oluwaseun Obadimeji. The marriage was contracted on 6/4/15 at the Ikoyi Marriage Registry and solemnized at Cathedral Church of St. Jude Anglican Church Ebute Meta, Lagos State. She tendered the Marriage Certificate as Evidence of the marriage. The marriage did not produce any child.

She has sought for the dissolution of the marriage because the marriage according to her has broken down irretrievable in that she finds it very difficult and is not expected to continue to be with the Respondent as husband and wife.

She has diligently presented before this Court all the facts upon which the ground of dissolution is predicated. These fact are deemed to be set here as if same is set here seriatim.

The Respondent was served with the Petition on the 29/1/20. He acknowledged receipt of the Petition which was personally served on him. He did not file any Answer. He did not file any Cross-petition too. He never entered appearance. He did not appear before this Court in person. He never had a Counsel to represent him. He did not enter appearance in paper too. This Court

ensured that for all the times that the matter was scheduled, he was served duly with Hearing notices. But he never appeared before the Court out of courtesy or respect.

The Petitioner testified in Chief on the 1/7/20 amid Covid-19 Pandemic. But the Respondent never come to Court or filed any answer.

Court had adjourned for him to cross-examination the Petitioner and also for him to answer to the petition. But he never came to Court even as I am reading this Judgment.

The Petitioner's Counsel had applied for the Court to foreclose him. This Court granted that Order. The Court also foreclosed him from opening and closing his defence or answer which he never filed. Hence this Judgment is based on the processes filed by the Petitioner.

In marriage, like any contract where a party fails to live up to the tenets or "terms" or when a party is in "breach" of such terms, the affected or aggrieved party has a right to seek redress in Court. That redress in a marriage can be inform of dissolution, jactitation or separation, depending on the case.

Once a party in a marriage contracted under the Act feels that he/she cannot continue with the marriage, in that same has broken down irretrievably, such party comes to High Court. This is so where the marriage was conducted under the Matrimonial Causes Act and is guided by Matrimonial Causes Rules.

Where that is the case the Petitioner must ensure that the respondent is served with the Petition personally. That was done in this case. Where that is the case the Respondent can file an Answer or Cross-petition if he so wishes.

In this case the Respondent was served personally but he did not file any answer in response to the Petition. He did not file any Cross-petition too. This Court ensured that he was served with hearing notices. But he refused to come to Court or respond to the petition for reasons best known to him.

This means that the Petition filed in this Suit is not challenged. All the facts raised by Petitioner are not controverted. This Court having gone through the facts, the testimony of the Petition and the documents attached, believed her, that actually the marriage has broken down irretrievably and that Petitioner finds it difficult to continue to live with the Respondent.

That being the case, this Court hereby grant the Order for the Dissolution of the marriage to wit:

That the marriage between the Petitioner Adeola Pedetin Obadimeji and Oluwafunmilola Oluwaseun Obadimeji which was contracted on the 6/4/15 in Ebute meta, Lagos, Lagos State, which was evidenced by the Certificate of marriage issued to the parties by the Ikoyi marriage Registry Lagos (Exhibit 1) is hereby DISSOLVED same having been broken down irretrievably.

This is the Order Nisi of this Court made today 31st day of March, 2021.

If after 90 days from today the parties failed to come together as husband and wife, this Order Nisi shall automatically from the 91st day be made ABSOLUTE in that the parties need not come to apply that the Order be made Absolute.

This is the Judgment of this Court.

**Delivered today the ____ day of _____ 2021 by
me.**

K.N. OGBONNAYA
HON. JUDGE