

IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA.

BEFORE HON. JUSTICE JOSEPHINE E. OBANOR
ON THURSDAY THE 30TH DAY OF SEPTEMBER, 2021.

SUIT NO: FCT/HC/PET/562/2020

BETWEEN:

NGUKEGHEN HAASTRUP

....PETITIONER

AND

HAASTRUP OLUFEMI

..... RESPONDENT

JUDGMENT

In this petition for dissolution of marriage filed on 17th day of November 2020, the petitioner sought against the Respondent the following reliefs:

- a. A DECREE OF DISSOLUTION OF MARRIAGE on the ground that the marriage between her and the respondent has broken down irretrievably.

The respondent was served with the originating process and hearing notices but he choose not to participate in this matter. The matter proceeded to hearing on the 29th of March 2021 where the petitioner testified as PW1. She adopted her statement on oath sworn to on the 18th of November 2020, as her evidence in this matter .

It is in the petitioner's evidence that she got married to the Respondent on 20th March 2014 at Alimosho Local Government,

Ayoro/Ipaja Marriage Registry Lagos. That the Respondent absconded her since six months after the marriage. It is in her evidence that the respondent deserted her and they have lived apart for more than two years since 2014 when the respondent left her. She testified that the respondent has relocated to where he has remained till today. The petitioner further testified that this act of the Respondent has impacted negatively on her. The marriage certificate was admitted as exhibit B.

At the end of the evidence in chief of the petitioner, the matter was adjourned to 20th April 2021 for cross examination of PW1 but on the said date the respondent did not bother to come to court to cross examine PW1 and was foreclosed on the application of the learned counsel for the petitioner on the 12th July 2021,

The matter was adjourned to 22nd July 2021 for adoption of final written addresses. The petitioner's final written address is dated 19th July 2021 and filed same day. Learned counsel for the petitioner adopted same as his submission in this matter. The Respondent did not make any representation in this matter and therefore did not have anything to urge the court,

It is the submission of the petitioner's counsel that the petitioner has proved her case on the preponderance of evidence as required by law in civil cases. He urged the court to give judgement for the petitioner based on the unchallenged evidence.

It is a trite law that when a Defendant offered no evidence, the plaintiff's evidence before the court under such circumstance clearly goes one way with no evidence to be placed on the other side of the proverbial imaginary scale as against such evidence given by or on behalf of the plaintiff. In other words, the onus of proof in such a case is discharged on minimal proof. See the case of **BOODLINE ENT.LTD V.MONTEREY MARITIME CORP.(1995)9NWLR(P**

417)1SC27 PARS C TO D. NWOBUOKU V . OTTIH (1961)2 SCNLR)232.

In this case, the evidence of the petitioner remains unchallenged. I do not have any difficulty in accepting them as sufficient proof of her case in this matter. To this end, the petition succeeds and I make the following orders:

- A. A declaration that the marriage between the Respondent and Petitioner on the 20th day of March 2014 at Alimosho Local Government Ayoro/Ipaja Marriage Registry Lagos State has broken down irretrievably for the reasons the Respondent deserted the Petitioner for a period of more one year and that the Petitioner and the Respondent have lived apart for a continuous period of more than two years immediately preceding the presentation of this petition and the Respondent does not object to it.
- B. By reason of this, a decree nisi is granted in dissolution of the marriage. The decree nisi shall become absolute after three months from today.
- C. I make no order as to cost.

Signed
Hon. Judge
30/9/2021

LEGAL REPRESENTATIONS:

- (1). Uju Terseer Esq for the Petitioner.
- (2). No Legal Representation for the Respondent.