

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
IN THE ABUJA JUDICIAL DIVISION,
HOLDEN AT COURT NO. 7 APO, ABUJA.
BEFORE HIS LORDSHIP: HON. JUSTICE O. A. MUSA.**

SUIT NO. FCT/HC/BW/PET/36/2019

BETWEEN:

MR. AYUBA TURAKI VINCENT PETITIONER

AND

MRS. COMFORT E. AYUBA RESPONDENT

JUDGMENT

DELIVERED ON 23RD NOVEMBER, 2021

The Petitioner whose address is Angwan Kaduna, Sauka Village Extension, Kuje Abuja and who is a businessman, hereby petitions the Court for a Decree of Dissolution of Marriage against the Respondent whose address is No. 1 Government Land, After Sharp Corner Opposite Football field Gonin Gora Kaduna State on the ground that the marriage between him and the Respondent has broken down irretrievably: the Petitioner stated that since the marriage, the Respondent has willfully and persistently abandoned the period marriage and the Respondent has deserted the Petitioner for a continuous

period of over one year immediately preceding the presentation of the petition. That the parties to the marriage have live apart for a continuous period of over one year and the Respondent does not object to a decree being granted.

The Petitioner was lawfully married to the Respondent then a spinster, at the Government Land after Sharp Corner Opposite Football Field Gonin Gora Kaduna State on the 3rd March, 2018 according to Christian rite. The marriage was approved by the consent of the parent under the customary Marriage of Kogi State (Ibira) on the 1st January, 2017 and all the necessary dowry were paid to the parents.

That the Petitioner and the Respondent are within the meaning of the Matrimonial Causes Act ("Act") domiciled in Nigeria in that both parties were born in Nigeria and of Nigerian parents and both of them reside in Nigeria.

Counsel submitted that immediately after the marriage, the Petitioner and the Respondent cohabited at Angwan Kaduna, Sauka Village Extension, Kuje, FCT Abuja from March, 2018, June, 2018. That the Respondent sometime grow in anger at midnight raining curse on the Petitioner and using weapon to threaten the Petitioner. That the Respondent when on visit to the Petitioner uncle for settlement of dispute and thereafter

to her parent and chose never to return back to her matrimonial home; She developed hatred toward the Petitioner on getting to her parent, and told the Petitioner that she does not have any reason to continue with the marriage. The Respondent always refuses to listen to the Petitioner in planning for the marriage.

That after few months of their wedding, the Petitioner walk up to the Respondent to apologized for any reason whatsoever that must have cause sudden hatred toward the Petitioner that lead to the extent of packing to live with her parent should be forgiven, but to no avail. The Petitioner, as a man that want his home back, tried all possible means to reconcile with the Respondent by begging and calling on the pastor of their church for settlement but all effort prove abortive.

Counsel submitted that since the marriage, there has not been any previous proceeding in a court between the Petitioner and the Respondent.

That the grounds of the petition are:

- a. Since the marriage the Respondent has willfully and persistently abandoned the marriage

- b. The Respondent has deserted the Petitioner for a continuous period of over one year immediately preceding the presentation of petition.
- c. The parties to the marriage have lived apart for a continuous period of over one year and the Respondent does not object to a decree being granted.
- d. The Respondent have decided to abandoned the Petitioner and keeping male friends out of matrimonial home where she feels, for over one year now.

Counsel therefore submitted that the Petitioner seeks for the following orders:

- a. A decree of dissolution of the marriage on the grounds stated above that since the Respondent has deserted the Petitioner, threatening the Petitioner's life and refuser for continues period above one year and persistently refused to consummate the marriage. The marriage is hereby dissolved.
- b. An order of this Honourable court to the Respondent to return all the dowry paid on the Respondent to the parents in the total sum of N170,000.00 (one hundred and seventy thousand naira) only

c. And for such further or order(s) as this Honourable court may deem fit to make in favour of the Petitioner.

The matter commenced on the 28th day of January, 2020 wherein the applicant through an ex parte application no. M/8/2019 dated 18th October, 2019 and filed same date seeking for an order of leave to the Petitioner as stated on the face of the Motion paper. It has in support 3 grounds supported by 5 paragraphs affidavit and a written address.

Court granted the leave as sought by the Applicant and adjourned the case to Tuesday 3rd March, 2020 for hearing.

Court resumed sitting on 3rd March, 2020, counsel to the Petitioner submitted that the matter is for hearing. However, they are not ready to proceed reason been that the document intended to reply on is in possession of the Respondent who traveled to Katsina State. But the Respondent through a phone call directed a message to the court to the Petitioner concerning to the dissolution of this marriage.

Having listened carefully to the text message posted by the Respondent to the Petitioner which was clearly read on the open court, the court directed that the Petitioner counsel to make a copy of the message available to the court by attaching a sworn affidavit on it; and filed in court for court to do the

needful. And the case was adjourned to 10th March, 2020 for parties to reconvene in court for the court to take decision.

On 23rd November, 2020, the learned Petitioner counsel submitted that pursuance to the directive of the court to the Respondent to send in a letter to court if she is no longer interested in the marriage. That the Respondent has sent in a letter requesting the court to accept the request of her husband by granting the divorce for him between the Petitioner and Respondent it's dated 9th March, 2020.

In the light of the unchallenged petition and the letter sent in by the Respondent, counsel urged the court to grant the request of the Petitioner as stated in the petition.

By the letter of consent written by the Respondent that she is not objecting to the Divorce petition filed by her husband dated 10th September, 2019 seeking for the dissolution of the marriage between them, and that the court should grant the request of her husband;

Therefore, having satisfied that the parties have lived apart for a continuous period of over one year and the Respondent does not object to a decree of divorce being granted; I hereby pronounce a decree of dissolution of the marriage between Mr. Ayuba Turaki Vincent (Petitioner) and Mrs. Comfort E. Ayuba

(Respondent) today the 23rd day of November, 2020 the marriage which contracted at the Kaduna Marriage Registry dated 8th February, 2018 with Certificate No. 2597 stamped dated 3rd March, 2018 Stand dissolved.

2. Either of the parties is free to go on his way without any hindrance. I so hold.

APPEARANCE:

Shariff Adukke, Esq. for the Petitioner

Sign

Hon. Judge

23/11/2021