

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(TEMEKE HIGH COURT SUB REGISTRY)
(ONE STOP JUDICIAL CENTRE)
AT TEMEKE**

MATRIMONIAL CAUSE NO 5 OF 2021

THERESIA LEONARD..... PETITIONER

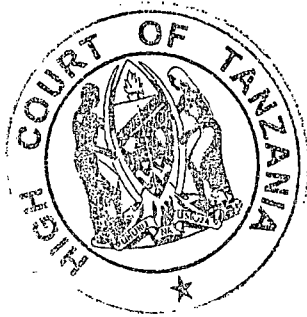
VERSUS

ISAYA ENOCK..... RESPONDENT

ORDER

This petition for divorce has been commenced without a certificate that the Board has failed to reconcile the parties. The petitioner's claim is founded on desertion which is also a reason for not referring the dispute to the Marriage Conciliation Board (the Board) as pleaded in paragraph 5 and 6 of the Petition. That the petitioner has not heard from the respondent for the past three years. However, desertion is a ground for not referring the dispute to the Board where the petitioner does not know the whereabouts of the respondent per section 101(a) of the Law of Marriage Act (Cap 29 R.E 2019). In my view, not hearing from a party is not synonymous with not knowing his/her whereabouts. This dispute, therefore, ought to have been referred to the Board before commencing

these proceedings. Consequently, I hereby reject this petition for want of compliance with the Law.



Mugeta
I.C. MUGETA

JUDGE

10/11/2021