



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

P.O. Box 62157

00200 Nairobi - KENYA

Telephone: 891601-6

MAIN EXAMINATION

JANUARY – APRIL 2020 TRIMESTER

INSTITUTE OF CANON LAW

REGULAR PROGRAMME

JC-DET 123: TRIBUNAL PRACTICE

Date: APRIL 2020

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any OTHER TWO Questions

Read the Case Presented Below Carefully

Susan and Mathew, both from traditional Catholic families, dated one year before they married, mostly at a distance since he worked in another city. They spent one weekend together for the last seven months of that year. At one point, Susan feared things were moving too quickly, and even her father cautioned against the marriage. Once, the partners had so serious an argument that she returned his engagement ring; they reconciled soon thereafter. One of the Petitioner's closest friends refused to attend the wedding since she was convinced this was a mistake. During the honeymoon she slapped him after he called using abusive language towards her ; she began to wonder, once more, if perhaps she had made a mistake in marrying this man whom she did not know that well and whom she had not dated that long. She says that serious problems surfaced after about three years when their differences became increasingly evident. He suffered depression. When issues surfaced, he would always tell her he wanted a divorce. In the midst of their strife, the partners attempted counseling but they continued to grow apart. Susan claims that as husband and wife they never formed friendship. When he became adulterous, she left the marriage and soon after obtained civil divorce.

The above case has been presented to your tribunal in a petition filed by the wife, seeking for nullity of the marriage between her and Mathew.

- Q1. a) As the judge, what are the issues that you need to clarify before accepting the *libellus*? **(5Marks)**

- b) With the facts presented, which nullity process would you consider most appropriate for this case? What would be the possible joinder of issue in this case? Justify your answer with reasons **(10 Marks).**
- c) Outline the steps you need to follow in instructing the case to its definitive end **(15 Marks)**
- Q2. What would be the possible joinder of issue in the case presented above? Justify your answer with reasons **(20Marks).**
- Q3. In the case presented, what kind of proofs would you require and from whom? **(20Marks).**
- Q4. Explain the criteria that was used in the Franciscan marriage nullity reforms of 2016 **(20Marks).**
- Q5. Discuss the challenges facing ecclesiastical tribunal today? **(20Marks).**

END