**Eugen v Hadija**

**Division:** Court of Appeal at Dar Es Salaam

**Date of judgment:** 13 October 1973

**Case Number:** 29/1973 (1/74)

**Before:** Sir William Duffus P, Spry V-P and Law JA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Tanzania – Kwikima, Ag.J

*[1] Matrimonial Causes – Maintenance – Wife in desertion – No liability on husband to maintain wife –*

*Marriage Act* 1971, *s.* 63 (*T.*)*.*

**Editor’s Summary**

The respondent wife applied to the primary court for maintenance, which found that she was in desertion but nevertheless awarded her maintenance. On appeal to the Court of Appeal the question was whether a right to maintenance in such circumstances was given by the Marriage Act 1971, s. 63.

**Held –**

(i) a husband’s duty is to maintain his wife by providing a home for her.

( ii) a wife who rejects the home offered to her is not entitled to money in lieu thereof.

Appeal allowed.

**No cases referred to in judgment**