

**IN THE HIGH COURT OF JUSTICE OF THE  
FEDERAL CAPITAL TERRITORY ABUJA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT JABI - ABUJA**

**BEFORE: HON. JUSTICE O. C. AGBAZA**

**COURT CLERKS: UKONU KALU & GODSPOWER EBAHOR**

**COURT NO: 12**

**SUIT NO: FCT/HC/PET/128/2018**

**BETWEEN:**

**OLATUNDE OLUJIMI OKUSANYA.....PETITIONER**

**VS**

**OLUWABUKOLA HELEN OKUSANYA.....RESPONDENT**

**CONSENT JUDGMENT**

This Suit was filed on 19/2/18 and after the exchange of pleadings, the case proceeded to hearing on 19/6/18, where the Petitioner gave evidence and tendered two (2 Exhibits – marked as "A", "B". Thereafter, after a long protracted adjournment, the case was adjourned to 8/11/18 for Cross-examination of PW1 and defence. On 19/2/19, when the case was called, the Petitioner Counsel informed the court of the parties desire to resolve the matter amicably pursuant to a meeting held, and which resulted to filing of Terms of Settlement, which they desire to adopt as Consent judgment. Consequent upon this, the court directed that the PW1 proceed to the witness to give evidence.

The PW1 in his further evidence on 19/2/19 confirmed to court that consequent upon the resolution of the parties, Terms of Settlement was

filed and desire it to be entered as Consent Judgment of the parties. The said Terms of Settlement was received in evidence as Exhibit "C".

Having carefully considered the evidence of PW1 and noting that there is no objection from the Respondent, in court confirm the position given in evidence by PW1 as true and correct, I shall in the circumstances allow the request and accordingly enter judgment in line with Terms of Settlement filed on 18/2/19 as the Consent Judgment of the parties in this Suit. I so Order.

## **TERMS OF SETTLEMENT**

### BACKGROUND

The Petitioner, Olatunde Olujimi Okusanya whose Address is House 4, Ultimate Close, D.N. Meyer Estate, Kuje, Abuja, brought this Petition to the Honourable Court for a Decree of Nullity of Marriage against the Respondent, Oluwabukola Helen Okusanya whose Address is House No. 13, Oxford Street, Trademore Estate, Apo Duste, Abuja on the ground that at the time of the marriage, the Petitioner was married to some other person.

Before the marriage, the Petitioner was lawfully and legally married to one Hannah Oriyomi Ogunyombo, then a Spinster, same marriage being celebrated at the Apostolic Faith Church at Ijebu-Ode on the 12<sup>th</sup> of October, 1995.

At the time of contracting the marriage with the Respondent, the Petitioner was not aware that he is not legally permitted to celebrate two different statutory marriages.

**NOW THEREFORE THE PARTIES HAVE MUTUALLY CONSENTED AND AGREED TO SETTLE THIS SUIT UPON THE FOLLOWING TERMS:**

- (1) That upon discovering the illegality of this marriage , the Petitioner immediately petitioned the Honourable Court for a Decree of Nullity of Marriage.
- (2) That both the Petitioner and the Respondent have discussed extensively privately and in the presence of their Pastors in church and have mutually consented to apply to this Honourable Court for an Nullifying this marriage and have freely and willfully signed Terms of Settlement.
- (3) That though hearing had commenced in this matter and the Petitioner has personally testified in Court and tendered all the necessary documents including the two certificates of marriage, that the Respondent is not willing to contest the Petition, hence this out of court settlement.
- (4) That by way of settlement and compensation, the Petitioner has transferred his entire interest and ownership of House No. 13, Oxford Street, Trademore Estate, Apo Duste, Abuja as well as the Toyota 4Ruler SUV to the Respondent. The title documents of the House are hereby attached.

- (5) That the parties therefore implores the Honourable Court for a Decree of Nullity of their marriage which was celebrated on the 20<sup>th</sup> September, 2008 at the Marriage Registry, Lagelu Government, Iyana Ofa, Oyo State on the ground of prior existing statutory marriage.
- (6) That these Terms of Settlement shall be entered as Final Consent Judgment in this Suit.

**HONOURABLE JUSTICE O.C. AGBAZA**

(Presiding Judge)

19/2/2019

J. I.NWOSU FOR THE PETITIONER

NO REPRESENTATION FOR THE RESPONDENT