

HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON THURSDAY 23RD DAY OF MAY, 2019
BEFORE HIS LORDSHIP: HON. JUSTICE V. V.M. VENDA
SUIT NO: FCT/HC/PET/319/15

BETWEEN:

BAYO ENIOLA JAY.....PETITIONER

AND

VICTORIA BAYO.....RESPONDENT

JUDGMENT

In this Petition No Pet/319/2015 dated 28/9/2015 and filed same date, the Petitioner prays for the following orders:

- (a) A decree of dissolution of marriage contracted between the Petitioner and Respondent on the 27th day of January, 2006 at the Federal Marriage Registry, Abuja F.C.T on grounds that the marriage has broken down irretrievably.
- (b) A decree or Order of this honourable court granting the Petitioner custody, financial maintenance and educational sponsorship of the two children of the marriage until they attain full age when they will be at liberty to choose to reside with either party.

Alternatively:

- (c) Where the Honourable deems it fit to grant custody of the two children to the Respondent, a Decree or order of this court on the Respondent to bear their financial maintenance and educational sponsorship or any of them whose custody is with Respondent until they or he attains full age to choose to reside with either party.
- (d) Any further order or orders this Honourabl court may deem fit to make in the circumstance.

The grounds for which Petitioner seeks these reliefs are:

1. The marriage between Petitioner and Respondent has broken down irretrievably.
2. Parties have lived apart for a continuous period of four years immediately preceding this Petition, and the Respondent does not object to a decree being granted.
3. Respondent has been very cruel to the Petitioner and has exhibit intolerable behaviour.

Petitioner/Cross Respondent testified and was cross examined. He tendered several exhibits.

The facts upon which this Petition is premised and the evidence supporting same are that the Petitioner and Respondent contracted

a marriage on the 27th of January, 2006 at Federal Marriage Registry, Abuja to the effect of which a certificate was issued. The marriage produced two children namely, Victor Oluwama yomikun Bayo and Vincent Oluwatobi Bayo who are now ages 12 and 8 years respectively.

That on September 9, 2011, Respondent deserted her matrimonial home where she resided with Petitioner at Games village and since then, has lived apart from him till date. It is Petitioner's further testimony that since the marriage, Respondent had subjected him to physical and emotional abuses, psychological torture and also willfully severed all emotional, social, spiritual, financial and feminine support from him as a husband. That while they lived together, Respondent had always willfully refused to appreciate his contributions, love and good will to the marriage, habitually rained verbal abuses on him over trivial issues, and on some occasions, physically assaulted him with domestic objects. She stopped recognizing him as a husband and on the 9th of September, 2011 she moved out of the matrimonial home and abandoned him till date.

Further to this, Petitioner testified that he made several efforts to save the marriage, including writing a letter of reconciliation to Respondent dated 31st July, 2012 all to no avail.

That Respondent bluntly refused any move for reconciliation but instead, sent him a text message that she was only waiting for a divorce certificate and nothing more. He prays the court to grant him custody of the two children of the marriage until they graduate from institutions of higher learning, or in the alternative grant him custody of the eldest child.

Presently, he lives at Aviation Estate, Airport Road, Abuja where he shall reside with the children of the marriage if granted custody, and ensure that their educational moral and emotional wellbeing is taken care of. That he has always provided for the educational and financial needs of the children who currently reside with the Respondent and attend Rivers of knowledge Academy, North Star Garden Estate, No. C7 Colummade Avenue, Dakwo District, Abuja. Of recent, Respondent has without justification denied him access to the children and their educational performance reports. That if he is granted custody, he shall endeavour to make their examination/performance reports available to Respondent at all times throughout their school carrier by any medium the Honourable court deems fit to order, and shall not also deny Respondent access to the children.

In the event that the court grants custody to the Respondent, let there be an order that Respondent will not deny him access to the

children, and shall not also take them out of jurisdiction without his consent. Petitioner holds a Bachelor of Science Degree in Sociology and works with First City Monument Bank (F.C.M. B) as a public servant.

That he use to earn up to N150,000.00 which now stands at N205,000.00 per month, while Respondent earns up to N100,000.00 monthly income, being a business woman and Director of Rivers of knowledge Academy (a private educational Institution) situate at Dakwo District, Abuja. He prayed the court to grant the reliefs sought in the interest of Justice and tendered the original marriage Certificate No 9/2006 in evidence as exhibit 1, a copy of the letter written by Petitioner to Respondent dated 31/7/2012 and the receipt from Red Star Courier Service which were admitted in evidence as exhibits 2 and 2(a) respectively.

Under Cross Examination, he stated that he works with FCMB as the Regional Security Coordinators for Abuja and the North.

That it is not correct to equate his emolument and salaries which is N205,000.00 to that of a bank manager. During the pendency of the marriage, the Respondent once moved out of the house, but he pacified her and brought her back before things later fell apart. He further answered that he has been fully responsible for the school

fees of the two children of the marriage who have been living with Respondent since 9th September, 2011. He sees them at her own convenient time and not when he wants to see them. In fact, Respondent only brought them to his house once in 5 years. He pays the said school fees through Respondent's bank accounts from where she withdraws it for that purpose.

In 2011, the parties agreed that Petitioner should pay the sum of N50,000,00 monthly for the upkeep of the children apart from the school fees. He diligently paid the said sum for 3 years but reduced it to N40,000.00 in 2014 after discovering that the children were not well taken care of.

He also threatened to stop paying if Respondent denies him access to the children, but this was not to be, as he has continued to pay the sum till date. He does not have the receipts for the payments and did not also include this fact in his testimony. Rather, he demanded the statement of accounts of Respondent's bank as a proof, which documents were also tendered in evidence. Accordingly, the Bank teller from Zenith bank was admitted as exhibit "3". The printout document from FCMB is exhibit "4". School receipts from Deo Gratia International School were collectively marked exhibits 5, 5(a) to 5(t). Receipts from Vine care Nursery and Primary School are

exhibits 6, 6a and 6(b). Teller from first bank is exhibit “7”, while statement of account from UBA is exhibit “8”.

On receipt of service of the Petition, the Respondent, filed an Answer and cross Petition which is undated but filed the 14th day of December, 2015. In her Answer, she denied all the paragraphs of the Petition but made explanations to some.

She explained that contrary to Petitioner’s claims, she moved out of the matrimonial home on the 9th of September, 2011 upon the strong insistence of Petitioner with severe threats of use of force to throw her out. That Petitioner subjected her to inhuman and degrading treatment with maximum and severe acts of cruelty. That from the inception of the marriage, it was Respondent who was forcibly living with and enduring the uncaring attitude of the Petitioner till the day she moves out.

There was never a time Petitioner complained or reported her to her parents or family for unruly behaviour, as she has always been a good wife. She married Petitioner out of sincere love and affection and has always been supportive and committed to her responsibility as a wife.

That Petitioner has never appreciated Respondent to moral and financial contributions to the marriages including those of her

parents. Rather, he has behaved in an unreasonable manner to the extent of manifesting extreme hostility towards Respondent and the children and on three occasions, invited the Nigerian Police to arrest her without Justification.

The Respondent also filed a cross Petition where in, she adopts all the facts contained in the Answer to the Petition. She prays for the following reliefs:

- (i) *A Decree of dissolution of marriage contracted between the Petitioner and the Respondent on the 27th day of January, 2006 at the Federal marriage Registry, Abuja FCT, on the ground that the marriage has broken down irretrievably.*
- (ii) *An Order of this Honourable Court granting the Respondent custody, financial and maintenance allowance of the two children of the marriage until they attain full age.*
- (iii) *A minimum of N150,000.00 maintenance allowance monthly for the upkeep of the children, including medicals.*
- (iv) *School fees to be born by the Petitioner on school fees bill presentation to the Petitioner.*

There was no Answer to the cross Petition filed.

Respondent/Cross Petitioner testified and was also cross examined.

Respondent testified as DW1 that she got married to the Petitioner on the 27th day of January, 2006 at the marriage Registry, Abuja. The marriage is blessed with 2 children namely, Victor Oluwamayomikun Bayo and Vince Oluwatobi Bayo who are now ages 12 and 8 years respectively.

She moved out of the matrimonial home with her children due to Petitioner's hot temper, unruly behaviour, regular maltreatments and physical abuse, coupled with his insistence and threat to throw her out forcibly. Since then, she and the children have been living with her parents at No. 7, Nile Crescent, Sunny Ville Estate Abuja.

On the two previous occasions she moved out, Petitioner pleaded with her to come back but continued with his acts of Cruelty and hostile attitude towards her and the children, which prompted her to move out finally. He never showed any love or care towards Respondent and the children. That despite the financial contributions from her parents to ensure that the marriage worked, petitioner only rewarded her with nothing but physical abuse. Petitioner was not always there for her and the children when they needed him most, and was always keeping late nights with the

excuse that he closes from his place of work at 5 P.M, all in a bid to escape responsibilities at home.

It is her further testimony that Petitioner felt more comfortable in their absence because he seemed not bothered at all, as he was always with one woman or another any time they pay him a visit. Respondent prayed the court to grant her a decree of dissolution of the marriage between her and Petitioner, grant her custody of the children and order Petitioner to pay her maintenance allowance of N150,000.00 per month for the upkeep of the children excluding school fees which is to be paid separately by Petitioner.

Under cross examination, she admitted that the two children who are boys are more dear to her than her husband, and that if granted custody, she can overlook other things for their sake. She is also capable of bringing them up to become responsible men in future, with the help of God. She admitted that she does not have any proof or attached any document to prove that Petitioner earns up to N335,000.00 per month, but insisted that he earns more than that, according to her findings from his office. She insisted on the N150,000.00 allowance per month and promised not to deny Petitioner access to the children, and also not take them out of jurisdiction without his consent.

Both counsel filed and adopted their respective final written address and urged the court to grant their prayers.

In her written submission, Respondent raised 3 issues for determination thus:

- (1) Whether the evidence adduced in the proceedings have not shown that the marriage between the Petitioner and Respondent has broken down irretrievably.*
- (2) Whether this Honourable court ought to grant sole custody of the 2 children of the marriage to Respondent till they attain full age.*
- (3) Whether this Honourabl court ought to grant the Respondent financial and maintenance allowance for the two children until they attain full age.*

Arguing 1st issue, counsel on behalf of the Respondent submitted that the marriage between the Petitioner and Respondent has broken down irretrievably by reason of the fact that the parties have lived apart for a continuous period of at least four years immediately preceding the presentation of the petition due to irreconcilable differences.

However, Respondent who filed a cross Petition urged the court to dissolve the marriage on her own terms according to the evidence adduced and the arguments canvassed in her Cross Petition.

On issue 2, counsel submitted that this honourable court ought to grant custody of the two children of the marriage to Respondent due to the fact that they are minors, and have always lived with Respondent since the separation. Aside this, it is Respondent's evidence that she moved out of the matrimonial home due to Petitioner's unruly behaviour, regular maltreatments and physical abuse on her and the children. Counsel contended that this evidence has not been controverted till date. He cited section 71 (1) of the Matrimonial Causes Act, 2004 LFN, and the case of **OHI VS. OHI 1 (1992) 7 NWLR (PT 252) 187 AT 210.**

He argued that in granting custody, the court ought to put the paramount interest of the children into consideration as this will enhance their physical and moral development as well as promote their happiness and security at this tender age. He cited the case of **ODOGWU VS. ODOGWU 3 (1992) 2, NWLR (PT 225) P.559-560 at H-A.**

On issue 3, counsel submitted that the court ought to grant maintenance to the wife for the upkeep of the children and not to

mark disapproval of the husband's conduct. That the court is entitled to err on the side of generosity where the husband's conduct towards the wife broke up the marriage. It is Respondent's evidence that from the inception of the marriage, Petitioner's attitude towards Respondent has been that of inhuman treatment, lack of care and physical abuse. He cited the case of **CHRISTIANA ELIGIATOR VS. SOLOMON ELIGIATOR (1996) NMLR 372 AT PAGE 277** where it was held that what is reasonable maintenance for the wife must be interpreted against the back ground of the standard of life which the husband previously maintained before he and his wife parted ways. He referred the court to the statement of account from FCMB tendered and marked exhibit '3" which shows Petitioner's monthly salary to be N335, 000.00 as against Petitioner's evidence that he earns N150,000.00 per month. He finally urged the court to grant Respondent N150,000.00 as maintenance and allowance for the upkeep of the children- of the marriage. And also grant all the other reliefs.

In his written submission, Petitioner's counsel submitted two issues for determination thus:

- (1) Whether in the light of the evidence adduced at the hearing of this suit, the marriage has broken down irretrievably as envisage by law to warrant a dissolution.*

(2) In the light of the evidence adduced by the parties with respect to the respective earning capacities and contributions of both parties to the education and welfare of the children whether there is any need for this honourable court to impose an order on either party for the education and welfare of the children.

On issue one, counsel submitted that there were ample evidence adduced at the hearing in proof of the fact that the marriage has broken down irretrievably, particularly the fact that the parties had lived apart for a continuous period of more than four years immediately preceding the presentation of the petition. This therefore, constitutes one of the valid grounds upon which a statutory marriage can be dissolved.

He cited section 15(2) (e) and (f) of the Matrimonial Causes Act and urged the court to so hold.

On issue two, he argued that in view of the earning capacities and contributions of both parties to the education and welfare of the children, there is no need for this honourable court to impose additional order on either party for that purpose but maintain the status quo.

Furthermore, he submitted that from the totality of reliefs sought by Respondent as contained on pages 6 and 7 of her Answer and cross Petition and on paragraphs 19, 20, 21 and 22 of her written statement on oath, the Respondent never asked for any relief on her personal maintenance or allowance. Her focus was on the children of the marriage. Hence, the honourable court is enjoined to discountenance any submission by Respondent's counsel in his final written address soliciting for personal allowance or maintenance for Respondent. The law is trite that the submissions and address of counsel cannot take the place of evidence in our legal jurisprudence. He urged the court to so hold, and grant the prayers of the Petitioner.

Before I proceed further in this judgment it is Pertinent to give attention to a vital aspect of the processes before the court.

Order V Rule 10(1) states:

A Petitioner shall, by an affidavit written on his Petition and sworn to before his Petition is filed:

- (a) Verify the facts stated in his Petition of which he has personal knowledge and-*
- (b) Depose as to his belief in the truth of every other fact stated in his Petition.*

Explaining the purport of this Rule of court, the Court of Appeal in the case of **UMEAKUANA VS. UMEAKUANA (2009) 3 NWLR (PT 1129) 598** Stated in allowing an appeal on this issue thus:

Compliance with the provisions of Order V rule 10(1) of the Matrimonial Causes Rules is Mandatory. Thus, the failure by a petitioner to verify the facts stated in his Petition of which he has personal knowledge as required by the said rule, is fundamentally fatal to his Petition. The language of the rule is imperative, quite clear and plain, and therefore must be given their ordinary meaning.

The court also held in this same case that the duties imposed on a Petitioner by Order V rule 10(1) of the MCA (supra) are mandatory. In the instant case the Respondent's Cross Petition, which is a Petition of its own, is not verified at all. I have looked at the process but found none. Failure to verify the facts contained in a Petition is fatal to the Petition.

In **MADUKOLU VS. NKEMDILIM (1962) ALL NLR 589** one of the conditions for a court's assumption of Jurisdiction over a case is that it must come before the court in fulfillment of a condition precedent. The case of the Respondent in presenting the cross Petition omitted to comply with this vital rule of court to wit: verifying the facts contained in her Petition.

One vital element that makes a Petition proper before a court is absent, resulting therefore, in the incompetence of the Petition before the court and consequently robbing the court of the jurisdiction to adjudicate over the Petition. In the circumstance I decline jurisdiction over the cross Petition of the Respondent/cross Petitioner and strike same out. The Cross Petition of the Cross Petitioner is hereby struck out.

Now to the Petition of the Petitioner.

The facts of the Petition are reviewed above.

The main issue of contention is the custody of the children of the marriage, which I will come back to here after.

Both Petitioner and the Respondent are of the view that the marriage has broken down irretrievably, in that, the parties to the marriage have lived apart for a continuous period of four years immediately preceding the presentation of this Petition, inter alia, and that the Respondent does not object to a decree being granted.

The section of the Matrimonial Causes Act dealing with Matrimonial Reliefs relevant to this case is section 15 of the said Act and the subsections under which this Petition is brought is subsections (2)

(e). This section has been explained by the Act in subsection 3 of same thus:

For the purpose of subsections 2(e) and (f) of this section the parties to a marriage shall be treated as living apart unless they are living with each other in the same household.

The evidence before the court is that, the Respondent deserted the matrimonial home on the 9th day of September; 2011 and has lived apart from the Petitioner since then. At the time she moved out of the house the children of the marriage were 10 years old and 6 years old respectively.

In her Answer to the Petition and evidence before the court the Respondent conceded that she moved out of their matrimonial home on the 9th of September, 2011 but it was because her husband, the Petitioner, insisted and also because of the Petitioner's threat of use of force, embarrassment and unruly behaviour.

Though the Respondent alleged the use of force on her by the Petitioner, and also unruly behaviour, embarrassment and lack of show of love towards her and the children of the marriage, and also alleged in defence that the Petitioner, after inflicting assault on her, would still bring in police to arrest her which often resulted to her

being let go by the police on grounds that she had not committed any offence that warrants police arrest.

All these facts were left to remain in the region of allegation or assertions as the Respondent did not support the alleged acts of the Petitioner with evidence of such occurrences. It is not that her story is incredible but it has not been supported by evidence.

However, it is trite law that for a petitioner to succeed on the ground of living apart, the said fact of living apart must have been for a continuous period of at least two years immediately preceding the presentation of the Petition and the Respondent must have failed neglected or refused to object to the dissolution of marriage. See section 15(2) (e) of the Matrimonial Causes Act and section 15(3) of same.

In the instance case, it is in evidence that the parties started living apart since the day the Respondent moved out of the matrimonial home on the 9/9/2011 and has not returned, while this Petition was presented on the 28/9/2015, a period of at least three years immediately before the presentation of the Petition.

The law provides in section 15(2) (f) of the same said Matrimonial Causes Act that:

“That the parties to the marriage have lived apart for a continuous period of at least three years immediately preceding the presentation of the Petition.

As stated above, the parties started living apart on the 9/9/2011. As at 2015 when this Petition was presented they had lived apart for a continuous period of at least three years.

In the said subsection 3 (supra), the mere fact of living apart for a period of three years suffices to ground a prayer for, and to succeed on that ground.

It does appear that, a judge in that case, has no discretion but to find that the marriage has broken down irretrievably. See **ELUWA VS. ELUWA (2013) LPELR-22120 (CA)**. See also **BIBILARY VS. BIBILARY (2011) LPELR-4443 (CA)**.

It has however, been held that:

“It will be in the interest of society that divorce is not granted unless the court is fully satisfied upon unassailable facts that its grant is the only remedy to the marriage. In other words, the jurisdiction of the court to dissolve a marriage is one which should not be readily applied because such jurisdiction involves the status of the parties.

*Accordingly public interest demands that the marriage bond should not be set aside without strict proof of the grounds alleged or without painstaking and strict judicial enquiry.” See **OGUNTOYINBO VS. OGUNTOYINBO (2017) LPELR-42174(CA).***

It should, and must be noted that marriage is a sacred institution handed down to man by God Himself, therefore everyone taking a decision to go into marriage should wear the coat of **“I am going on a journey of no return”**. That does not connote death as it were, but that this is a journey of **“till death do us part”**. To be in, with “A” today and then suddenly discover that “A” is not good enough, it should have been “Z” is of the worse things before God. Consider this.

In **BAKAU VS. BAKAU (2013) LPELR-22687 (CA)** the court held:

*In divorce proceedings, the court has a discretion in special circumstances to dissolve the marriage as in the instance case, where from the record of Appeal it is clear that as far as the Petitioner/Appellant is concerned the marriage is at an end. There is no hope for reconciliation. In **BELLA ADA NWANYA VS. ONUORAH NWANYA (1960-67) 10 ENLR-102 AT 106-107, OPUTA J.** held thus: it takes two to marry and to discharge the marital obligations. It is apparent that*

as far as the Petitioner is concerned, this marriage is at an end. It will be useless pretending otherwise. I am therefore satisfied that there is no hope for reconciliation between the parties. Again the Petitioner and the Respondent are both very young people and each may want to re-marry. To refuse a decree in such a circumstances will work undue hardship, not only on the Petitioner but also on the Respondent to whom no blame attaches.

In the case of **FIDELIA ELEIE VS. EMMANIEL ELEJE, GABRIEL AGOSU 7 E.N.L.R & 126 SIR LOUS MBANEFO, C.J.** held as in above, that: *a marriage may be dissolved at the discretion of the court. On the ground therefore I am inclined to grant the Petition and dissolve this marriage....*

This latter case seem to be similar to the instant case. Parties do not seem to see a window of coming together again as husband and wife. To forgive each other and begin again, with each resolving to desist from the ways complained about by the other is divine. Each of them is insistent on going their separate ways as they have done since 2011.

It is on this note that I also find that two unwilling parties who foolishly joined themselves as husband and wife cannot be forced to remain together as such.

In the circumstance I hereby order a decree nisi in respect of the marriage between **BAYO ENIOLA JAY** and **VICTORIA EMINUE**, conducted on the 27th day of January, 2006 at the Federal marriage Registry, Abuja, dissolving same.

As for the custody of the children of the marriage I have considered the fact that they are both boys and grown up minors.

Victor Oluwamayomikun Bayo is by now 14 years while **Vince Oluwatobi Bayo** is 10years. As at the moment both children are old enough to be in secondary schools, in which case they will no longer require that they be given a bath. Each of them can bathe himself and wash their respective clothes.

At the moment they are said to be in the custody of the Respondent. Good enough, financially speaking, both parents are capable of being granted custodial right. Both parents are living in decent parts of this city i.e. Aviation Estate, Airport Road, Abuja, FCT, and Sunny – Ville Estate Abuja FCT, respectively. That is settled. The Respondent is asking for the maintenance of these two children in the sum of N150,000.00 per month, reviewable periodically for the up-keep of the children including their medical bills. Respondent also pray that the school fees of these children be born by the Petitioner on presentation of the school fees bill. The Petitioner on the other hand

prays the court to grant him custody of the two children, and an order of court for him to be responsible for the children's educational sponsorship and financial maintenance of both children until they attain maturity. That he has been solely responsible for the children's educational sponsorship. But should the court grant custody to the Respondent, the Respondent shall bear the financial maintenance and educational sponsorship of the two children of the marriage or any of them whose custody has been granted to the Respondent until they attain maturity.

Section 1 of the child's Right Act provides:

In every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, Court of law, or administrative or legislative authority, the best interest of the child shall be primary consideration.

The paramountly of the interest of the child in every action cannot be compromised. Bringing that to bear on the instant case I hold the opinion that, giving the children the opportunity or creating a conducive atmosphere for the children to love one parent and despise the other, is not in their interest, as children are under divine command to honour their father and mother. There can be no honour where there is any kind of despise for a parent. This will definitely not be in the interest of the children.

To create a level playing ground for every one affected by this judgment therefore, I will grant an opportunity for both parents to demonstrate to the children how much they love them.

In the circumstance therefore, while I grant custody of these children to the Petitioner, I order the Petitioner to put them in a good and affordable boarding secondary school. Whenever they are on holiday they report to the Petitioner's house, who will always, and never deny them the privilege to visit the Respondent. The Petitioner shall be responsible for all their school fees and uniform.

Respondent shall be responsible for their books and hand outs.

Petitioner shall cater for their feeding, welfare, clothing, maintenance and health needs.

Respondent may also contribute to the clothing of the children. Every holiday the children shall be allowed to go and greet the Respondent as their mother, and spend some time with her. Such length of time as the Petitioner shall allow which shall not be less than half of the holiday. Petitioner shall also make available to the Respondent the children's school performance result by handing over to her the photocopies thereto, for her keep.

Both parties are ordered to ensure that the children grow up to love and to fear God. This is mandatory. Both parties are also obliged to show quality love to these children and not to leave them to any form of domestic injustice.

That is the Judgment.

Signed
Hon. Judge
23/5/2019

Appearance:

1. Joel N. Onumenu Esq, for Petitioner.
2. Taiwo Onifade Esq, for Respondent.

AUTHORITIES

1. OHI VS. OHI 1(1992) 7 NWLR (PT 252) 187 @ 210.
2. ODOGWU VS. ODOGWU 3(1992) 2 NWLR (PT.225) P. 559-560.
3. ELIGIATOR VS. SOLOMON ELIGIATOR (1996) NWLR 372 @ 277.
4. SEC. 15(2) (E) AND (F) MATRIMONIAL CAUSES ACT.
5. ORDER VS. RULE 10 (1) MATRIMONIAL CAUSES RULES.

6. UMEAKUANA VS. UMEAKUANA (2009) 3 NWLR (PT 1129) 598.
7. MADUKOLU VS. NKEMDILIM (1992) ALL NLR 589.
8. ELUWA VS. ELUWA (2013) LPELR-22120 (CA).
9. BIBILARY VS. BIBILARY (2011) LPELR -4443 (CA).
10. OGUNTOYIBO VS. OGUNTOYIBO (2017) LPELR-42174 (CA).
11. BAKAU VS. BAKAU (2013) LPELR-22687 (CA).
12. BELIA ADA NWANYA VS. ONUORA NWANYA (1960-67) 10 ENLR 102,@ 106-107,OPUTA J.
13. FIDELIA ELEIE VS. EMMANUEL ELEJE, GABRIEL AGOSU,7 ENLR,& 120 SIR LOUIS MBANEFO CJ.
14. SEC. 1 CHILD'S RIGHTS ACT.