IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE JUDE O. OKEKE FICMC

ON THURSDAY 6TH DAY OF FEBRUARY, 2020

SUIT NO: FCT/HC/PET/229/2017

BETWEEN:

WINIFRED MOMOH ……..…… PETITIONER

AND

ADEWALE LAWAL ……..RESPONDENT

JUDGMENT

On 16/5/2017, the Petitioner took out the instant petition for a decree of dissolution of marriage against the Respondent. She seeks for the following orders:-

"(a) A decree for the dissolution of the marriage between the Petitioner and the Respondent on grounds of desertion.

(b) Custody of the two children of the marriage to the Petitioner until they attend the age of 18 years. And release of birth certificates, international passports of the two children of the marriage to the Petitioner.

(c) A sum of one hundred thousand naira (N100,000.00) each monthly for maintenance of the two children of the marriage until they attend (SIC- attain) the age of 18 years old".

The petition was filed with a 4 – paragraph Verifying Affidavit deposed to by the Petitioner and Certificate Relating to Reconciliation.

In response, the Respondent filed an Answer and Cross Petition on 15/5/2018. He seeks for the following orders in the Cross Petition.

> "(1) An order dismissing the Petition
>
> (2) A decree of dissolution of the marriage on the grounds that
>
> (a) The Petitioner has willfully and persistently refused to consummate the marriage;
>
> (b) The Petitioner has deserted the Respondent for a continuous period of at least one year immediately preceding the presentation of the petition;
>
> (c) The parties to the marriage have live apart for a continuous period of at least two years immediately preceding the presentation of the Petition and the Petitioner does not object to a decree of dissolution of the marriage being granted.
>
> (3) Orders in terms of the proposed arrangements for the children (under paragraph 7 above).
>
> (4) An order protecting the Respondent's rights to be involved in the lives and upbringing of his children without such rights being restricted or limited or curtailed by the Petitioner or any other person acting through the Petitioner".

On 25/5/2018, the Petitioner filed a Reply and Answer to the Respondent's Cross Petition.

On 9/10/2017, the Court consistent with its duty to encourage the parties to reconcile gave them 30 days within which to explore reconciliation.

On 30/5/2018, Counsel for the parties mutually informed the Court that settlement has broken down.

The petition was then set down for trial on the next date.

Trial commenced on 13/12/2018 with the Petitioner testifying for herself as PW1 by adopting her witness Statement on Oath deposed to on 30/5/2018 with leave of Court as her evidence in chief.

She testified, inter alia, in the Statement that she and the Respondent reside at Block 1, Flat 1, Section 2, Area 8, Off Emeka Anyaoku Street, Garki Abuja.

She and the Respondent went through a marriage ceremony and were issued with a marriage Certificate on 21/4/2012. After the marriage they cohabited in Lagos until 30/11/2014.

The marriage between them has produced two children, namely Oluwajomiloju Adewale Lawal (born on 28/6/2013) and Olawadarasimi Adewale Lawal (born on 30/10/2014)

After the marriage, she moved into the matrimonial home with the Respondent.

Trouble started when she noticed that the Respondent is an ill-tempered man and would brutally assault her at the slightest disagreement. She reported the conduct to the Respondent's family but all meetings held on that achieved no success as the Respondent always walked out on the elders.

Sometime, while traveling in their vehicle to Abuja from Benin with their first child, and the Petitioner heavily pregnant, they had a verbal disagreement and the Respondent abruptly stopped the vehicle in the middle of the road and swore, that she and the child will perish with the approaching truck to crush them. The truck driver saved the day by dodging the Respondent's car.

This induced the Petitioner into labour prematurely on the sixth month of the pregnancy and she delivered of the baby on 30/10/2014. The child was kept in incubator to maturity.

They agreed that after the birth of the second child, that she would move to Abuja to stay with her mother to be taken care of properly till she was strong enough to return to the matrimonial home and resume work but this never happened. Immediately she moved to stay with her mother, the Respondent continued to abuse her and even visited her and physically abused her by slapping and kicking her in her weak condition.

This abuses made it impossible for the Petitioner to return to the matrimonial home for the fear of her life.

The Respondent became insensitive to her feelings and yearnings as well as that of the two children of the marriage.

She enrolled the children in schools and has been solely responsible for payment of their schools fees, welfare and wellbeing.

Recently, when she reached out to the Respondent for them to settle issues amicably, the Respondent slapped and assaulted her in the church leaving her with a swollen face.

She and the Respondent have not been consummating their conjugal rites for over two years preceding the presentation of this Petition.

The two children of the marriage are living with her and are still too young and tender, that she will continue to take care of their basic needs with her salary being a staff of the St Flairs Awards Limited.

The Respondent is a Permanent Senior Accountant with Institute of Human Virology of Nigeria Lagos and therefore has the financial means to support her with the sum of N100,000.00 for each of the two children of the marriage.

The children are only benefiting from the health insurance scheme the Respondent subscribed for them and nothing more.

She claims in the terms of her reliefs sought in the Petition.

The witness tendered documents which were admitted in evidence as following.

(1) Certified True Copy of Marriage Certificate dated 21/4/2012 – EXHIBIT A.
(2) Original copy of medical Report issued by Mother and Child Hospitals dated 24/11/2014 – EXHIBIT B

(3) A bundle of original copies of school fees receipts issued by Baptist Nursery/Primary School – EXHIBITS C to C9

(4) Three original copies of receipts issued by Surround Care dated 22/8/2016, 29/8/2016 and 5/9/2016 – EXHIBITS D to D3

(5) Original copy of payment receipt issued by Liffey Valley Concept bearing no: 0470 – EXHIBIT E

(6) Original copy of receipt issued by Sahad Stores Ltd dated 17/1/2016 – EXHIBIT F.

(7) Developed photograph showing swollen face of the witness with attached Certificate of Compliance with Section 84 of Evidence Act 2011 – EXHIBIT G and G1 respectively.

The witness was cross examined by the learned Respondent Counsel and in the absence of question in re-examination, discharged. Reference will be made to the evidence under cross examination as the needs arises. With this, the Petitioner closed her case.

In defence, the Respondent testified for himself as DW1 by adopting his witness Statement on Oath deposed to on 26/9/2018 with leave of Court as his evidence in chief.

He testified, inter alia, that after the celebration of their marriage, they cohabited at No. 3 Adams Gabia Street, Sabo Kaduna and thereafter moved to no. 1 Osaremia Street, Ugbowo Benin City where they remained until the Petitioner moved out of the matrimonial home and never returned while he remained in Edo State until January 2016 when he relocated to Lagos in pursuit of his continued employment with the Human Virology of Nigeria.

On or about 1/12/2014, the Petitioner travelled to Abuja with their children ostensibly to be close to her mum as she just delivered of Oluwadaramisi Adewale Lawal till she recovered. Their understanding was that the Petitioner would return home by the second week of January 2015. She has however refused to return to any kind of cohabitation with him since the said 1/12/2014 till date despite his numerous requests.

Prior to that, the Petitioner did inform him that Oluwajomiloju Adewale Lawal was not his biological child. She made similar comment in relation to their other child when he requested for her and the children to return to the matrimonial home.

Despite these comments, he continued to plead with her to return to their matrimonial home but she refused. Nevertheless he took his relatives to plead with her and her mother in Abuja but the entreaties were not heeded.

She repeated the comment that the children of the marriage are not his biological children to the hearing of his relatives who went with him to plead with her to return to the home.

When she refused to return to the matrimonial home, he began to believe her statement and doubted if he was the biological father of the children of the marriage. The doubt was only dispelled following a DNA test which he demanded for after the commencement of these proceedings.

In addition to the Petitioner moving out of the matrimonial home, he has till date been denied the joys, rights and duties, access, custody in respect of the children of the marriage. He has not been able to determine the

school or education or religious training the children receive. The Respondent refused to let him know their school.

He has, despite the foregoing, within the limited parameter allowed him, tried to discharge his responsibilities to the children and the Petitioner. For instance, he provides medical cover for the Petitioner and the children and regularly boys clothes for them. He also bought a Toyota Corolla, phone, laptop and various other items for the Petitioner to assist her with the care of the children and show to her that he is able to provide for his children even in tough circumstances. He also was able to get the Petitioner a job and continued to give her various sums of money at intervals but was forced to stop following her refusal to allow him see or have access to the children of the marriage or know the name of their school. This was sometime in May 2017 and heralded the filing of this Petition.

His employment with the Institute of Virology of Nigeria is not a permanent job and is one in which he has received notice of termination on various occasion but has managed to keep based on the intervention of various persons.

The Respondent does not know his salary and job description. She is merely speculating that he is able to meet her demands. It is not true he spent the sum of N600,000.00 on the DNA test but rather N240,000.00 which sum he struggled to raise.

He is desirous of providing for his children in accordance with his station in life and prayerful that it does not depreciate.

While he was at work, the Respondent who was in Abuja came to Benin and broke down the doors of the matrimonial home and took away various kinds of property and belongings. He was told by the landlord of the premises.

The Petitioner is temperamental, irascible, and violent when angry. She has destroyed various television sets, car windscreens, and doors.

He has never hurt the Petitioner and she is only trying to create an impression aimed at supporting her refusal to return to the marriage.

The Petitioner is not capable of raising their children by herself. It is in the best interest of the children for both parents to be involved in their upbringing in the terms contained in the Cross Petition.

He prays the Court to dismiss the petition and grant all the reliefs sought in his Cross Petition.

The witness tendered the following documents in evidences.

(1) DNA Test Report issued by Echoscan Service Ltd - EXHIBIT H

Records of Court show that although the case was fixed for Ruling on admissibility of documents tendered by the DW1, and further hearing on 28/10/2019 the learned Petitioner's Counsel did not after the Ruling was delivered cross examine the witness. The Respondent, after the Ruling closed his case.

The parties were next given time frames within which to file and exchange their Final Written Addresses which they did. They adopted their addresses in Court on 10/12/2019. Judgment was then reserved for today 6/2/2020.

I have painstakingly read and digested the said Final Written Addresses of Counsel for the parties. I have also given due consideration to the evidence adduced by them.

Two crucial issues, in the view of the Court call for determination in this case they are:-

(1) Whether or not the Petitioner has made out a case to justify a grant of the reliefs sought in her Petition.
(2) Whether or not the Respondent has made out a case to warrant a grant of the reliefs sought in his Cross Petition.

Before proceeding further the Court notes that the Respondent's learned counsel in his Final Written Address raised issue of law as to the competence of the Petitioner's Witness Statement on Oath which she adopted in Court as containing her evidence in support of her Petition. Given the very fundamental nature of the issue, the Court is minded to consider and determine it first before proceeding further.

The issue as raised by the said learned Respondent's Counsel is that the Petitioner's said Witness Statement on Oath was not deposed to in this Court . That as shown in the second to last paragraph of it, it was stated as having been "sworn to at the High Court Registry Mararaba this 30th day of May 2018". That by this the affidavit evidence was not deposed to before a

person duly authorized as prescribed by Section 113 of the Evidence Act 2011. He referred to Section 108 of the Evidence Act which prescribed that before an affidavit is used in the Court for any purpose, the original shall be filed in the Court. That "The Court" meant in the section is the Court in which the proceeding is pending and in this case the FCT High Court. That by this provision, the affidavit in this case was not deposed to in the FCT High Court. He urged the Court to take judicial notice under Section 122 of the Evidence Act 2011 that Mararaba where the Statement was sworn to is not within the FCT and also there is no division of the FCT High Court located in Mararaba. For this reason that the affidavit was filed in contravention of Section 108 of the Evidence Act 2011.

Learned Counsel further referred to Section 111(a) of the Evidence Act 2011 to the effect that what is stated on the face of an affidavit is prima facie evidence. He however contended that the section only raises a rebuttal presumption of what is on the face of the affidavit. He canvassed that the Respondent accepts what is on the face of the affidavit. By that while it is headed in this Court, the prima facie evidence is that it was not sworn to before a Court known to this Court. The person before whom it was sworn to is not an official of the Court or indeed any Court. That the instant error cannot be cured or overlooked as the only basis upon which a defective affidavit can be used under the Evidence Act is where it is sworn before "a person duly authorized".

Counsel further contended that the defect in the affidavit was not cured by its adoption in Court on 19/2/2019 by the PW1.

The statement being incompetent, no legally admissible evidence was led in support of the Petition. For these reason the Court should hold that there is no legally admissible evidence in support of the Petition. In the circumstances, the Petition should be dismissed.

In his response to the issue, the learned Petitioner Counsel submitted inter alia, in his Final Written Address that where an affidavit is sworn to or how it is sworn to does not matter as far as it was sworn to before a competent Court of law, before a commissioner of Oath and necessary fees paid irrespective of the jurisdiction. That once a witness on oath is able to show he went before a commissioner for oath and same was duly sworn, it is admissible.

Learned Counsel referred to Section 113 of the Evidence Act 2011 to the effect that the Court may permit an affidavit to be used notwithstanding that it is defective in form if the Court is satisfied that it has been sworn before a person duly authorized. He contended that in this case, the affidavit was sworn to before an authorized person and prescribed fees duly paid. He referred to NAL MERCHANT BANK PLC V. ODEGHE & ASSOCIATES LTD (2000) FWLR p.28.

Learned Counsel further urged the Court that the Court has discretionary powers to make necessary orders to give effect to the affidavit. He referred to Section 110 of the Evidence Act to the effect that even an affidavit sworn outside jurisdiction of Nigeria can be acted upon by the Court.

In his reply on points of law, the learned Respondent's Counsel, urged the Court, inter alia, that given the fundamental defect in the affidavit it would not have been validly adopted in Court as evidence of PW1.

That the fundamental defect lies in the failure to comply with the mandatory provision of Section 108 of the Evidence Act 2011.

I have given due consideration to the foregoing contentions of Counsel for the parties. As aforesaid, a look at the second to the last paragraph of the said Petitioner's Witness Statement on Oath shows that it was indicated as having been "sworn to at the High Court Registry Mararaba this 30th day of May 2019" Sections 108 to 113 of the Evidence Act 2011 to a large extent make provisions guiding how affidavit to be used in Court is to be sworn, before whom it should be sworn and when a defect in this regard can be cured. Under Section 108, it is provided that "before an affidavit is used in Court for any purpose, the original shall be filed in the Court and the original or an office copy shall alone be recognized for any purpose in the Court". In Section 112, it is provided that:-

> "An affidavit shall not be admitted which is proved to have been sworn before a person on whose behalf the same is offered, or before his legal practitioner or before a partner or clerk of his legal practitioner".

Section 113 on its part provides:-

> "The Court may permit an affidavit to be used, notwithstanding that it is defective in form according to this Act if the Court is satisfied that it has been sworn before a person duly authorized".

It is the view of this Court that a determination of this issue calls for a critical examination of the provision of Sections 108, 112 and 113 of the Evidence Act 2011. Section 108 is clear in its requirement that before an

affidavit is used in the Court for any purpose, the original shall be filed in the Court, and the original or an office copy shall alone be recognized for any purpose in the Court. A close reading of the words of Section 108 shows repeated reference to the words “the Court”. This is with regard to where the affidavit is to be filed and the purpose for which the Court is to make use of it. The critical question, is when the Section uses, the words, “The Court” which Court does it refer to or contemplate. The answer is found in the phrase which states:- Before an affidavit is used in the Court for any purpose, the original shall be filed in the Court”.

By this, it does appear to me that “The Court” contemplated here is the Court in which the proceeding is pending, it cannot be any other Court. This is particularly so as the Section has not stated that the affidavit to be used in the Court can be filed in another Court. It is cardinal in our rules of interpretation that where the words of a status are clear and unambiguous, the Court in interpreting it is to give them their plain and ordinary meaning. It is not the duty of the Court to read into the statute words or meanings not manifest or used therein. See:- AWOLOWO V. SHAGARI (1979) 6-9 SC P51; AGOA LTD. V. ONDO STATE SPORTS COUNCIL (1988) 4 NWLR (PT. 340) P. 597 and AFRICAN INT. BANK LTD V. LEE & TEE IND. LTD (2003) 7 FWLR (PT. 819) P.366 .

Section 108 having repeatedly used the phrase “The Court” it is not permissible for the Court to read into it the words “another Court” so as to arrive at the interpretation that before an affidavit is used in the Court for any purpose it shall or can be filed in another Court. To do so will do violence to the clear meaning and intendment of the words used in Section 108 of the Evidence Act 2011.

Section 113 which ordinarily is a saving provision for defective affidavit filed in the Court can only be applicable where the Court is satisfied that the affidavit has been sworn before a person duly authorized. The Section states:-

> "The Court may permit an affidavit to be used notwithstanding that it is defective in form according to this Act, if the Court is satisfied that it has been sworn before a person duly authorized".

Although it is the view of this Court that the defect in the instant affidavit is not one as to form but rather a fundamental and substantial non compliance with the law ie Section 108 of the Evidence Act 2011, even if it is a defect as to form, the Court will only allow the defective affidavit where it is satisfied it has been sworn before a person duly authorized. The person duly authorized, in my view, in this case, ought to be one of the persons set out in Section 111 of the Evidence Act 2011. Section 112 on it part sets out those before whom an affidavit cannot be sworn.

A community reading of Sections 108, 111, 112, and 113 shows it is the intendment of the Act that the affidavit is not only to be filed in the Court (where the proceeding is pending) but must be sworn before a person duly authorized to taken Oath by the Court where the proceeding is pending .

Applying the foregoing to the instant affidavit, it is seen that though the affidavit was filed in this Court (given its heading) but it was sworn to before a person in a Court not the FCT High Court.

As the Court in which it was sworn to (which is different from where it was filed) is not the FCT High Court, the person before whom it was deposed to could not have been authorized to swear to the affidavit to be used in the FCT High Court. The official of High Court Registrar Mararaba before whom the affidavit was sworn to not being an official of FCT High Court could not have been authorized to take Oath in affidavits for use in the FCT High Court. No evidence of such authorization has been placed before the Court. The Court also takes judicial notice under Section 122 of the Evidence Act, as rightly urged by the learned Respondent's Counsel, that Mararaba is not in Federal Capital Territory Abuja Mararaba is in Nasarawa State.

The instant Petitioner's affidavit (witness Statement on Oath) having been sworn to before a person or official who is not authorized by the FCT High Court, it is incompetent and liable to be struck out.

Before I strike out the affidavit, it needs be mentioned that, even if (but without so holding) it can be said that the defect on the affidavit is as to form and not substance and the Court can, relying on Section 113 allow it, it is the law that before Section 113 can come to the aid of the party, leave of Court must first be sought and obtained. See:- BUHARI V. INEC (2008) 4 NWLR (PT. 1078) P.546.

In this matter, there is nothing before the Court to show that the leave of the Court was sought whatmore obtained before the affidavit was used.

By reasons of all I have said above, I resolve this issue against the Petitioner in favour of the Respondent. In consequence, the said Petitioner's Witness Statement on Oath is struck out for being incompetent.

This knotty issue of law having been resolved, the coast is now clear to consider the Petitioner's case. In this wise, I do agree with the learned Respondent's Counsel that with the exit of the Petitioner's Witness Statement on Oath which she adopted in Court as her evidence in support of the Petition, there is no evidence standing before the Court on the basis of which her Petition can be granted.

The implication of failure of her Witness Statement on Oath which she adopted in Court is that there is no evidence before the Court in support of her pleadings in the Petition. It is settled in our adversarial legal jurisprudence that pleading not supported by evidence is deemed abandoned and liable to be discountenanced by the Court. Such a pleading not supported by evidence is liable to be struck out. For having been abandoned, in the eyes of the law. It is judicially settled that fact avered in pleadings must be substantiated and proved by evidence. Where that is not done, the averments are deemed abandoned. This is because pleadings have no mouth to speak in Court and so they speak through witnesses. If the witnesses do not narrate them in Court, (as is the case here) they remain moribund and dead at all times see:- OLUYEDE V. ACCESS BANK PLC (2015) 17 NWLR (PT. 1489) P. 596; ALAO V. AKANO (2005) 11 NWLR (Pt. 935) p1160 and AKIN FOSCHE V. IJOSE (1960) SCNLR P 44.

In this case, the Petitioner having failed to lead admissible evidence in support of the matters avered in her pleadings, the pleadings remain dead and to that extend there is no basis to hold she has proved the facts avered in the pleadings on basis of which the Court can grant the reliefs she seeks, in her Petition. The import of this finding is that issue no. 1

raised above is resolved against her in favour of the Respondent. In consequence, the Petition fails and is dismissed.

This said, the Court now turns to the Respondent's Cross Petition. The reliefs he seeks therein have been set out earlier in the cause of this judgment.

In the main, he seeks for a decree of dissolution of the marriage he contracted with the Petitioner on the grounds as set out in the Cross Petition. He also seeks for some ancillary reliefs.

I have given due consideration to the evidence he adduced in support of the Cross Petition as disclosed above.

As rightly submitted by the learned Respondent's Counsel, a Cross Petition is a distinct and independent action from a Petition. It has a life of its own. A Cross Petitioner succeeds or fails based on the case he/she is able to make out. This is particularly so when the marriage the subject matter of the Cross Petition has not been dissolved based on the case made out by the Petitioner as the case here. Where the marriage has been dissolved based on the Petitioner Petition, the Cross Petition becomes academic and spent as there is no marriage subsisting to be dissolved in the Cross Petition. See:- OTTI V. OTTI 1 SMC P. 116.

In this Cross Petition, the Cross Petitioner is to succeed or fail on the strength of the case he is able to make out vis-à-vis the law. A cross petition in which dissolution of marriage is sought is a declaratory action and the Cross Petitioner can only succeed on the strength of his case and not weakness or absence of defence. To succeed, he must not only lead

sufficient evidence in support of the Cross Petition but also comply with extant Rules guiding institution of a Petition (of which Cross Petition is one). Order V Rule 10 of the Matrimonial Causes Rules makes mandatory provisions with regard to the filing of a verifying affidavit in support of a Petition. It provides:-

> "A Petitioner shall, by an affidavit written on his Petition 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"

The issue of non compliance with the above provision of Order V Rule 10 of the Matrimonial Causes Rules came up for consideration in UNAEGBU V. UNAEGBU (2004) 11 NWLR (Pt. 884) p. 332 and the Court of Appeal after an exhaustive consideration of the provision and OYEDU V. OYEDU (1972) 2 ECSLR P.730 came to the conclusion that the provision of the order is mandatory having used the word "shall" as operative word and non compliance with it renders the Petition incompetent. It was the decision of the Court that a verifying affidavit must be endorsed on the Petition paper and not deposed to on different and separate paper.

The Court also held that by the words of Order V Rule 10 of the Matrimonial Causes Rules, the Petitioner must depose to a Verifying Affidavit verifying the facts averred in the Petition before the Petition is filed and not later. That a failure in any of these regards is fatal to the Petition as the requirement is equally mandatory.

The Petitioner in that Petition having not complied with the requirements of Order V Rules 10 (1) to (3) of the Matrimonial Causes Rules by having the verifying affidavit endorsed on the Petition the Court struck out the Petition for being incompetent

Applying the foregoing provision of Order V Rule 10 of the Matrimonial Causes Rules and the Court of Appeal decision in UNAEGBU V. UNAEGBU (supra) to the instant Cross Petition (which step the Court can validly take without counsel for parties addressing it first on the provision of the law, per the Court of Appeal decision in GOVT. EKITI STATE V. OJO (2006) 17 NWLR (PT. 1007) P. 95 and Supreme Court decision in BAKARE V. NIGERIA RAILWAY CORPERATION (2007) 17 NWLR (PT. 1064) P606). The Court observes that the Cross Petitioner simply filed and served his Cross Petitioner on the Petitioner without having a verifying affidavit verifying the facts of the Cross Petition endorsed on it as mandatory required by Order V Rule 10 of the Matrimonial Causes Rules. He also did not file the verifying Affidavit before filling the petition. While the petition was filed on 15/5/2018, the Verifying Affidavit was deposed to and filled on 26/9/2018. In the UNAEGBU V. UNAEGBU case (supra), the Court of Appeal considered the Verifying affidavit written on a separate sheet of paper and not endorsed on the Petition as non compliance with the mandatory requirement of Order V Rule 10(1) of the Matrimonial Causes Rules and in consequence struck out the Petition for being incompetent. It also held that the Verifying affidavit must not be filed after the Petition was filed. In this case the Cross Petitioner did not endorse his Verifying affidavit Verifying the fact of Cross Petition on the petition. He also did not filed it before the Cross Petition.

In line with the decision in the UNAEGBU V. UNAEGBU case, these failures are fatal to this Cross Petition.

Accordingly, I have no option than to apply the law as it is, even if with a heavy heart. This Cross Petition is struck out for being incompetent.

I make no order as to cost.

SGND.
HON. JUDGE
6/2/2020.

LEGAL REPRESENTATIONS

(1) Smart Ukpanah Esq. for the Petitioner/Respondent.

(2) E. O. Adekwu Esq, for the Respondent/Cross Petitioner