

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE JUDICIAL DIVISION ABUJA
HOLDEN AT ABUJA
DELIVERED THE 17TH MARCH 2020
BEFORE HIS LORDSHIP: HON. JUSTICE ASMAU AKANBI - YUSUF**

FCT/HC/PET/118/19

BETWEEN

QUEEN AKUDO ALADUGE.....PETITIONER

AND

HENRY BODUNDE ALADUGERESPONDENT

CONSENT JUDGMENT

The petitioner took out this petition the 4/2/19 against the Respondent seeking for the following reliefs:

- a) A DECREE of dissolution of marriage between the petitioner and the Respondent, contracted on 5th September 2009 on the grounds of cruelty, desertion and on the ground that since the marriage, the Respondent has behaved in such a way and manner that it has become intolerable for the petitioner to continue to live with him and that the marriage has broken down irretrievably that the Petitioner could not reasonably be expected to live with the Respondent.

- b) AN ORDER of this Honorable Court that the Petitioner keeps custody of the three (3) children (Ayomide Aladuge, Oluwabukola Aladuge and Mayowa Aladuge) until they become adult on the ground that they are still minor and need motherly care and nurture. Also on the ground that the Respondent is not a lover children. The respondent is in the habit of keeping irresponsible mistresses and the children will not be well catered for morally and educationally. Finally, the Respondent is a chronic drunkard and a habitual night crawler.
- c) AN ORDER that the Respondent provides for the children's education, upkeep, maintenance, and medication as stated in paragraph of the petition.
- d) AN ORDER for the equitable sharing of the property jointly developed, situate at Angwan-Fulani. Kuje Road Gwagwalada.
- e) AN ORDER that the Respondent pays to the petitioner maintenance sum at the rate of N100, 000 per month.
- f) The sum of N400, 000 only being cost and expenses for the prosecution of this matter.
- g)** And for such order or orders this Honorable Court shall deem fit to make in the circumstances.

THE GROUNDS UPON WHICH THE PETITION IS PREDICTATED ARE AS FOLLOWS:-

- a. That the Respondent has since the marriage been behaving in such a manner that the petitioner cannot reasonably be expected to live with him and it includes CRUELTY, DRUNKENNESS AND ADULTERY.
- b. The Respondent is a habitual drunkard, night crawler and returns home at about 1-2am and wakes the Petitioner up with cruel and beating which on two occasions resulted to the petitioner's unconsciousness and coma.
- c. The Respondent had sent the Petitioner out of the matrimonial home twice and the Petitioner left for her parent's home where she returned, met another woman (adulterer) in the matrimonial home living comfortably with the Respondent as his wife.
- d. In 2014, the Respondent forcibly had sexual intercourse with the Petitioner's biological younger sister in their matrimonial home on when the young girl visited them. This incidence traumatized the Petitioner.
- e. All these on the part of the Respondent to and against the person of the Petitioner has become intolerable for the Petitioner.

The Respondent was served and a date was set down for hearing. The Respondent didn't file an Answer to the petition; trial commenced the 17/3/20 the petitioner gave evidence as Pw1. In the course of her

testimony, one exhibit was tendered and admitted in evidence. That is, exhibit A which is the marriage certificate. The petitioner thereafter closed her case. Learned counsel to the Respondent did not cross examine the pw1 as they conceded to the dissolution. The terms of settlement filed the 21/2/2020, was adopted by both counsel and the court was urged to adopt the terms of settlement as a consent judgment. I have considered the settlement entered into by parties, it is clear both parties entered into same voluntarily, I do not have any choice than to grant the application. Accordingly the marriage celebrated on 5/9/2009 at the St. Barnabas Anglican Church, Abia State Nigeria is hereby dissolved and an Order of Decree Nisi is made today the 17th of March 2020, which shall become absolute after three months from today. Furthermore, judgment is entered on all other issues agreed on by the parties and I so order.

The Terms of Settlement is as follows:-

MUTUAL AGREEMENT

- (I) PEACEFUL RESOLUTION: Both the Petitioner and Respondent have accepted a peaceful resolution of the matter.
- (II) DECREE OF DISSOLUTION: Parties have agreed to a decree of dissolution of their marriage contracted on the 5th of September 2009 at the St. Barnabas Anglican Church. Omoba, Abia State.

CUSTODY OF CHILDREN

- (I) The Respondent agrees that the petitioner shall have custody of their 3 children (Ayomide Aladuge (M) 9 years old, Oluwabukola Aladuge (F) 6 years old and Mayowa Aladuge (M) 4 years old) currently living with the petitioner at No. 30 Cosmos Street, Gwagwalada-Abuja and they will continue to live with the petitioner until they have become adult on the ground that they are still minors and need motherly nurture.
- (II) The Petitioner agrees that the Respondent shall have unrestricted access to visit the Children. HOWEVER;
- a. **OUTING IN GENERAL:** The Petitioner shall allow the Respondent limited access to the children in taking them out to such places as gardens, birthday parties and other such places for children's fun and shall be within Gwagwalada and the FCT jurisdiction only.
 - b. **LATE TIMES:** The Respondent on such outings shall not unnecessarily delay the return of the children during such outing whereby they are kept late into the nights or kept with the Respondent overnight.
 - c. **HOLIDAY AND VACATION PERIODS:** The parties mutually agreed that they shall in the overall interest of the children, the Respondent shall not have the children in his custody during

school terms, holidays and vacation until they attain the age of 18years.

CHILDREN MAINTENANCE

The Respondent shall be solely responsible for the maintenance and upkeep of the children as hereunder enumerated:

- (i) The Respondent shall be solely responsible for the maintenance and upkeep of the three (3) children.
- (ii) In addition to item (i) above, the Respondent shall be solely responsible for the following specific items and at the cost specified, thus:
 - A. School fees for the 3 children per term = N166, 100.00 including registration school lunch, school club activities, books and writing materials.
 - B. Medical care per year _____N60,000.00
 - C. Feeding per month for the 3 Children ____N20,000.00 plus food items
 - D. Clothing per year for the 3 children _____ N90,000.00
- (iii) Both parties hereby agreed that the Petitioner shall NOT be entitled to ANY Alimony and personal maintenance after the dissolution of marriage.

ASMAU AKANBI-YUSUF

HON JUDGE

APPEARANCES:-

E.O Abadaki, Esq. for the **Petitioner**

Dominic Njoku, Esq. for the **Respondent**

Petitioner present, Respondent Absent