

**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: 10

SUIT NO: FCT/HC/PET/065/2019

BETWEEN:

DAVID EKE IDIKA.....PETITIONER

VS

MERCY ORE-OFE IDIKA NEE FATOYE.....RESPONDENT

CONSENT JUDGMENT

The Petitioner David Eke Idika filed a Notice of Petition praying for dissolution of the marriage between him and the Respondent – Mercy Ore – Ofe Idika filed on 13/11/19 after filing and service of the process on to Respondent, the parties opted for out of Court Settlement and consequently filed Terms of Settlement.

Consequent upon this the court, the Petitioner as PW1 – testifying the court confirm the said marriage celebrated on 4/10/2011 and evidence by Exhibit "A" -Certificate of Marriage.

Having carefully considered the evidence of PW1 and submission of both Counsel, I shall allow the prayer sought. Accordingly I pronounce a Decree Nisi,dissolving the marriage between the Petitioner and Respondent Celebrated on 4/10/2011 at the Marriage Registry, Port Harcourt on

grounds that it has broken down irretrievably. This order shall become absolute after three months from the date of this Judgment. Further order that the Terms of Settlement entered and filed on 13/3/2020 is hereby entered as Consent Judgment of the parties in this suit. I so order.

TERMS OF SETTLEMENT

WHEREAS:

On the 13th November 2019, Mr. David Eke Idika (Petitioner) had filed a Petition for divorce at the FCT High Court Abuja against Mrs. Mercy Ore-Ofe Idika Nee E. Fatoye (Respondent) seeking for:

- a. A Decree of Dissolution of marriage on all the grounds averred in the Petition inter-alia that the Respondent deserted the marriage since either 28th or 29th May, 2016 to date which is running to the 4year now and this Respondent had exhibit character and behaviour in such ways that the Petitioner could not reasonably be expected to share a life with the Respondent as proved to the court.
- b. Custody of Amadea whom the Petitioner had not set his eyes on 4 year running as the time of filing this action and he doesn't know where she is presently.
- c. Access should be granted to the Respondent when Amadea is on holiday.

WHEREAS: The Respondent upon being served with the Petition for divorce filed her Answer and a Cross Petition, seeking for the following reliefs;

- a. A decree for Dissolution of the Cross Petitioner marriage with the Cross Respondent on the ground that the marriage has broken down irretrievably.
- b. A declaration that since the marriage, the Cross Respondent has behaved in such a way that the Cross Petitioner cannot reasonably be expected to live with the Cross – Respondent.
- c. That the Cross Petitioner and the Cross Respondent have lived apart for a continuous period of at least three years immediately preceding the presentation of this Petition and the Cross Respondent does not object to a decree being granted.
- d. An order granting the custody of the only child of marriage to the Cross – Petitioner for the purpose of sound and moral upbringing.

IT IS HEREBY AGREED AS FOLLOWS:

- a. That due to irreconcilable differences the parties cannot continue this marriage.
- b. That in the interest of integrity of the parties and in a bid to avoid public hostilities, the parties agreed that the marriage be dissolved on the ground that same have broken down irretrievably.
- c. That the custody of the only child of the marriage be granted to the Cross-Petitioner/Respondent and Cross-Respondent/Petitioner

has unrestricted access/visit to the only child of the marriage at the Cross-Petitioner family house in Lagos with proper arrangement of the date and time of the visit to be agreed by both parties from time to time.

- d. That the Petitioner/Cross-Respondent shall have the custody of the only child of the marriage during every school holidays.
- e. The Cross Respondent to pay the sum of ₦25,000.00 (Twenty Five Thousand naira) only as monthly maintenance for the only child of the marriage to includes feeding, clothing and health cares.
- f. That the school fees of the only child of the marriage up to the completion of her first degree at any sum as required by the school shall be borne by the parties in the ratio of 50% for the Petitioner/Cross-Respondent and 50% for the Respondent/Cross-Petitioner
- g. That both parties shall be actively involved in making decision with regards to the choice of school the only child of the marriage should attend from to time bearing in mind the financial capacity of each party.
- h. That the only child of the marriage upon attaining the age of maturity shall have the right to choose either of the party to stay with and at all times the will and decisions of the only child of the marriage shall and must be respected.
- i. That the parties accept the foregoing Terms as full and final settlement of this Petition.

HON. JUSTICE O. C. AGBAZA

Presiding Judge

2/12/2020

I.S.M. ABARSHI - FOR THE PETITIONER

JOSIAH A. OJENYA - FOR THE RESPONDENT