IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN AT JABI ABUJA

DATE: 18TH DAY OF JANUARY, 2021
BEFORE: HON. JUSTICE M. A. NASIR
COURT NO: 9
SUIT NO: PET/48/2016

BETWEEN:

MR. OKOLO MICHAEL EJIOFOR ---- PETITIONER

AND

MRS. OKOLO MARTINA IYOHA ---- RESPONDENT

JUDGMENT

The Petitioner instituted this action on the 18/3/2016 praying this Court for the following reliefs:

"1. A decree of dissolution of the marriage contracted on the 11/12/2010 between the Petitioner and the Respondent.

2. The custody of the two children of the marriage.

3. And any other order or orders as the Court may deem fit to make in the circumstance."

The ground of the Petition is that the marriage has broken down irretrievably while relying on unreasonable behaviour pursuant to Section 15(2)(c) of the Matrimonial Causes Act

The Petitioner Mr. Okolo Michael Ejiofor got married to the Respondent Mrs. Okolo Martina Iyoha on the 11/12/2010 at St. Julius Catholic Church Agbado, Ogun State. The Marriage is blessed with two children Ehizojie Onyemachi Okolo and Susannah Chidinma Okolo. In his testimony, the Petitioner stated that sometime in 2014 the Respondent withdrew all conjugal privileges of the Petitioner and became hostile and abusive towards him. She became unapproachable as the Petitioner could not have any meaningful conversation with the Respondent. The Petitioner had to involve church members to join him in prayer for the Respondent to change. Things turned for the worst when on the 3/10/2014 the Respondent who had been living away from the Petitioner came and parked her

belongings and left the matrimonial home. She took the children and dropped them with her parents in Ogun State where they are being subjected to child labour. Thus the Petitioner finds the behaviour of the Respondent unreasonable for him to continue to live with her.

The Petitioner informed this Court that parties never lived together because the Respondent refused to follow him. It was not until February, 2014 that the Respondent came to Abuja and stayed with the Petitioner for barely 4 months before she moved out elsewhere in Abuja. That the Respondent developed hatred for him after he had an accident and she had on two occasions threw their wedding ring into the Lagos lagoon. The Petitioner narrated how the Respondent parked out of the matrimonial home on the 5/10/2014 having arranged with a man to come with a van and park her properties from the house. PW1 stated that parties have lived apart since then, being a period of over 4 years. He testified that the children of the marriage are now

living with the Respondent's parents in Ogun State and are being subjected to child labour and attend substandard schools.

The Petitioner was duly cross examined. The following documents were tendered through him:

- The Baptism certificates admitted and marked collectively as Exhibit A.
- Three (3) Bank Statements of Account marked as Exhibit A1.

Upon service of the Notice of Petition, the Respondent filed an Answer and Cross Petition praying this Court for the following reliefs:

"1. A decree of dissolution of the marriage between the Petitioner/Cross Respondent and the Respondent/Cross Petitioner on the ground that the marriage has broken down irretrievably, and the Petitioner/Cross Respondent

has behaved in such a way that she cannot reasonably be expected to continue to live with him.

2. Custody of the two children of the marriage
3. N200,000.00 monthly for the maintenance of the children.
4. N200,000.00 as damages for the psychological and physical trauma that the Petitioner put the Respondent through in the marriage.
5. The sum of N500,000.00 being the cost of answering this petition."

The facts as presented by the Respondent/Cross Petitioner as the facts supporting the grounds of the Cross Petition is that the Respondent is violent, hot tempered and beats her at will. That since the marriage Petitioner has not made any financial contribution for the maintenance of the home and the children and has refused to play a fatherly role to the children. She accused the Petitioner of being

jealous of her success as a microbiologist, and the Petitioner has tried everything possible to stop her from working. She further stated that the Petitioner is a slave driver and prefers the Respondent to be a slave, dependent on him rather being a wife. She further accused the Petitioner of denying her conjugal rights. The Respondent narrated the incident that took place on the 2/10/2014 prior to her leaving the matrimonial home. She said she informed the Petitioner of her trip to Kaduna the next day and also discussed some issues with the Petitioner. The issues angered the Petitioner who beat her up. She had to embark on her trip with a swollen face on the 3/10/2014. After the trip, she was afraid to go back home. After advice from her parents and one Pharm Anthony, she went back but the Petitioner refused her access to the matrimonial home. However after much pleading from her parents the Petitioner allowed her into the house, retrieved the key to

the house and threw her things out of the matrimonial home.

The Respondent admitted that the children are staying with her parents, but denied that the children are being subjected to hard labour and negative influence. That the children are in one of the best schools in Ogun State, where she pays N90,000 for the older child and N70,000 for the younger child. She also said she paid a Nanny who takes care of the children when they come back from school, and it is complemented by her parents who are pensioners and at home. That the Petitioner always has access to the children of the marriage and he visits the home, although he prefers coming at odd hours of the night.

The Respondent said she gave the Petitioner a loan of N500,000.00 on the 5/2/2013 which is still unpaid.

The Respondent was also duly cross examined and the following documents were tendered through her by the Petitioners counsel:

- Photographs together with the certificate of compliance marked as Exhibit D.
- Deposit slips and tellers marked as Exhibit D1 rejected.

At the close of evidence parties were directed to file written addresses. **Okechukwu Casmir Opara Esq** filed the Respondents written address dated 19/5/2020. The written address was adopted by Ifeyinwa Udigbe Esq. Learned counsel raised four issues for determination. The issues are:

"1. Whether the Petitioner/Cross Respondent has been able to satisfy the Court that his marriage to the Respondent has broken down irretrievably to warrant a decree of dissolution of marriage being made in his favour.

2. *Whether the Respondent/Cross Petitioner has been able to satisfy the Court that her marriage to the Petitioner/Cross Respondent has broken down irretrievably to warrant a decree of dissolution of marriage being made in her favour.*

3. *Whether the Respondent/Cross Petitioner has by evidence satisfied the Court to award her custody of the children of the marriage.*

4. *Whether the Court can order the Petitioner/Cross Respondent to pay the Respondent/Cross Petitioner the sum of N200,000.00 monthly for the maintenance of the children of the marriage."*

Monday Isah Adah Esq filed the Petitioners written address on 19/8/2020. The written address was adopted by T.O. Anawo Esq. formulated one issue for determination. The issue is:

"Whether the Petitioner has proved his case to be entitled to the relief sought before this Court."

Before going to the merits of the Petition, it is important to consider the issue where the Petitioner's counsel sought to capitalize on the alleged non – compliance with the Order V Rule 10(1) of the Matrimonial Causes Rules relating the allegation that the Respondent did not file a verifying affidavit along with her processes. Order XXI Rule 3 of the said Rules appears to dispense with such undue technicalities, even if the allegation were established. This Court is not oblivious of the provision of Order XXI Rules 1 – 4 of the Matrimonial Causes Rules not rendering the proceedings void and the power of the Court to relieve a party of the consequences of non – compliance as well as the power of the Court to dispense with the need for compliance by a party with the provisions of the Rules.

Furthermore, like any other Rules of Court, Rule 4 of the Order XXI also not doubt provides for the need for an

application to set aside proceeding for irregularity to be brought timeosly, by the Applicant before taking any step, after his awareness of that irregularity. See Mgbeahuruike vs. Mgbeahuruike (2017) LPELR – 42434 (CA).

Even if the verifying affidavit was sworn to on a separate document, the Petitioner did not suggest that it had caused him any disadvantage or prejudiced his right to answer the Cross Petition. From the records, the Petitioner challenged the Cross Petition. The Petitioner even after becoming aware of the non – compliance did not on that ground object to the Cross Petition but rather took steps and even cross examined the Respondent on her Cross Petition, thereby ignoring or waiving it as being inconsequential. Even if there was non – compliance alleged by the learned counsel for the Petitioner, it has not been shown to have occasioned any miscarriage of justice on the part of the Petitioner and so did not render the Cross Petition or proceedings therein void. It is condonable and

can be overlooked by a Court as provided in Rule 3(a) and (b) of Order XXI of the Matrimonial Causes Rules. See Odusote vs. Odusote (2011) LPELR – 9056 (CA)

In the circumstance, I hold that the Cross Petition is proper before the Court and it will be considered on its merits. The submission of learned counsel for the Petitioner on the issue is thus discountenanced.

Now having considered the evidence before the Court and the addresses of counsel, the only issue for determination is:

> *"Whether the Petitioner has proved his case to be entitled to a decree being granted and whether the Respondent has proved her Cross Petition to be entitled to the reliefs sought therein."*

By the provisions of Section 15(1) of the Matrimonial Causes Act, a petition under the Act by a party to a marriage, for a decree of dissolution of the marriage may

be presented to the Court by a party to the marriage upon the ground that the marriage has broken down irretrievably. As seen in the provision of Section 15(1) of the Matrimonial Cause Act, the only ground upon which a petitioner for the dissolution of a marriage should base his claim, is that the marriage has broken down irretrievably. That is the sole ground required and provided for a party who petitions for dissolution of a marriage under the Matrimonial Causes Act to state. See **Ibrahim vs. Ibrahim (2007) 1 NWLR (part 1015) 383**. However, the Act in Section 15(2) went ahead to provide factual situations which when proved by the petitioner to its satisfaction, the Court before which the petition was presented, shall hold that the marriage had broken down irretrievably. From the clear language of the Act, a petitioner needs or is required to prove any one of the factual situations set out in the provisions for the marriage to be held to have broken down

irretrievably. See Damulak vs. Damulak (2004) NWLR (part 874) page 151.

It should however be noted that the situations set out in the Section are not in themselves grounds for seeking the dissolution of a marriage but rather, factual situations which if proved to the satisfaction of a Court would result in the findings that a marriage has broken down irretrievably; the ground for the dissolution of the marriage. See Adeparusi vs. Adeparusi (2014) LPELR – 41111 (CA).

Now, in order to prove or succeed in the divorce petition, the Petitioner predicated his complaint against the Respondent on intolerable behaviour. This complaint is situated and cognizable under Section 15(2)(c) of the Matrimonial Causes Act. The said Section 15(2)(c) provides inter alia:

"(2) The Court hearing a petition for a decree of dissolution of a marriage shall hold the marriage to have broken

down irretrievably if, but only if, the petitioner satisfies the Court of one or more of the following facts:-

(c) That since the marriage the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the Respondent;"

Unarguably, the Petitioner has the onus of proffering evidence, to the satisfaction of the Court, to the effect that there were intolerable acts exhibited by the Respondent, which he could no longer cope with and live under the same roof with her as the case may be. Therefore, where the petitioner fail to prove one, at least of the facts contained in Section 15(2) – (h) of the Matrimonial Causes Act, the petition for divorce will fail and the marriage will not be dissolved notwithstanding the fact that both parties desired the divorce. See Uzokwe vs. Uzokwe (2016) LPELR – 40945 (CA), Akinbuwa v. Akinbuwa (1998) 7 NWLR (part 559) 661.

For a Petitioner to succeed under Section 15(2)(c) of the Matrimonial Causes Act he has the burden of proof placed on him. First is the burden to prove undesirable behaviour of the Respondent which he is averse and then second is to show that he finds it intolerable to continue living with the Respondent. See **Oguntoyibo vs. Oguntoyibo (2017) LPELR – 42174 (CA).**

In **Ibrahim vs. Ibrahim (supra)** the Court observed thus:

"The conduct of a respondent that a Petitioner will not be reasonably expected to put up with must be grave and weighty in nature as to make further cohabitation virtually impossible. The Petitioner must satisfy the Court that the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the respondent. The duty is on the Court to consider whether the alleged behaviour is one in which a right thinking person would come to the conclusion that the

Respondent has behaved in such way that the Petitioner could not reasonable be expected to live with him taking into account the whole of the circumstances, the characters and personalities of the parties."

In that wise, the test of whether those behaviours are intolerable to expect the Petitioner to continue to live with the Respondent is objective and not wholly subjective. Therefore, there is every possibility that what the Petitioner terms "intolerable" may not pass this objective test. However, Section 16 (1) (a)-(g) exhaustively listed the various behaviours that qualifies as intolerable behaviour that will be unreasonable to require the Petitioner to continue to cohabit with the Respondent under Section 15 (2)(c) of the Act.

Indeed, the operative word in Section 16(1) Matrimonial Causes Act is "shall" and shall implies compulsion and divestment of discretion on the part of the

Court. In other words unless and until any of the conditions listed in Section 16 (1) (a)-(g) exist with credible evidence; the Court shall refuse to make an order of dissolution of marriage.

The conducts of the Respondent which the Petitioner adjudged intolerable as can be seen from the evidence are that the Respondent in 2014 withdrew the conjugal privileges of the Petitioner, she is abusive and hostile towards the Petitioner, made it difficult for the Petitioner to hold any meaningful conversation with the Respondent especially concerning the children. The Respondent took the children and kept them with her parents in Ogun State. The Respondent travelled to Dubai without his consent. On the 3/10/2014 the Respondent who has been living apart from her husband came and parked her things from the matrimonial home.

Under cross examination, the Petitioner stated that what he meant by never lived with the Respondent is:

- He embarks on visits to the Respondent and return to his station.
- The Respondent visited him in May 2014 and parked out in October, 2014.
- She threw the wedding ring into the lagoon.
- That she is building in Sango Ota in Ogun State without his knowledge.

Now the provision of Section 16 (1) (a)-(g) does not vest the Court with discretion as to what conducts would amount to intolerable behaviour under Section 15 (2) (c). Section 16 (1) is an amplification of Section 15 (2) (c). See <u>Emmanuel vs. Funke (2017) LPELR – 43251 (CA)</u>

Section 16(1)(a – g) provides:

*"**16.** (1) Without prejudice to the generality of section 15(2)(c) of this Act, the court hearing a petition for a decree of dissolution of marriage shall hold that the petitioner has satisfied the court of the fact mentioned in*

the said section 15(2)(c) of this Act if the petitioner satisfies the court that-

(a) since the marriage, the respondent has committed rape, sodomy, or bestiality; or

(b) since the marriage, the respondent has, for a period of not less than two years-

(i) been a habitual drunkard, or

(ii) habitually been intoxicated by reason of taking or using to excess any sedative, narcotic or stimulating drug or preparation, or has, for a part or parts of such a period, been a habitual drunkard and has, for the other part or parts of the period, habitually been so intoxicated; or

(c) since the marriage, the respondent has within a period not exceeding five years-

(i) suffered frequent convictions for crime in respect of which the respondent has been sentenced in the

aggregate to imprisonment for not less than three years; and

(ii) habitually left the petitioner without reasonable means of support; or

(d) since the marriage, the respondent has been in prison for a period of not less than three years after conviction for an offence punishable by death or imprisonment for life or for a period of five years or more, and is still in prison at the date of the petition; or

(e) since the marriage and within a period of one year immediately preceding the date of the petition, the respondent has been convicted of–

(i) having attempted to murder or unlawfully to kill the petitioner, or

(ii) having committed an offence involving the intentional infliction of grievous harm or grievous

hurt on the petitioner or the intent to inflict grievous harm or grievous hurt on the petitioner; or

(f) the respondent has habitually and wilfully failed, throughout the period of two years immediately preceding the date of the petition, to pay maintenance for the petitioner-

(i) ordered to be paid under an order of, or an order registered in, a court in the Federation, or

(ii) agreed to be paid under an agreement between the parties to the marriage providing for their separation; or

(g) the respondent-

(i) is, at the date of the petition, of unsound mind and unlikely to recover, and

(ii) since the marriage and within the period of six years immediately preceding the date of the petition, has been confined for a period of, or for periods aggregating, not less than five years in an

institution where persons may be confined for unsoundness of mind in accordance with law, or in more than one such institution."

I have dissected the conditions provided for in Section 16 (1) (a)-(g) and I am unable to see where any of these conducts complained of by the Petitioner fall within the conditions listed therein. Thus from the facts and evidence before me, I do not think the Petitioner has satisfied this onus. He has failed to establish a uniquely intolerable behaviour of the Respondent. The evidence of the Petitioner is all over the place. What is obviously deducible from the evidence is that parties started their married life by living apart from each other. Both the Petitioner and the Respondent were pursuing the various careers and find time to meet for a while before they return to their respective stations. With such an arrangement, there is no way the Petitioner can complain of denial of conjugal privileges. Neither can he complain of the Petitioner taking

the children and keeping them in Ogun State when he knows very well that the Respondent was resident in Ogun State. The Petitioners evidence has a lot of loop holes in them.

Life is not a bed of roses. As much as life is robed with its challenges so also does every marriage. The fact that the parties seem to have their challenges, no element of serious threat to life or apprehension of uncontrollable danger is displayed to the Court. Dissolution of marriage is a sensitive issue in all cultures, that it will only be sanctioned in extreme cases. The reasons are not farfetched, when it is appreciated that stable marriages results in peaceful and united society. This is the rationale for the provision of an alternative remedy of judicial separation by the Act.

There is no culture or faith that encourages divorce on just any conceivable reason. The reasons as provided in Sections 15 and 16 of Matrimonial Causes Act must be

grave and weighty for the Court to conclude that the marriage has broken down irretrievably. That is missing in this instance. I am not satisfied that the Petitioner has established the ground of dissolution under Section 15(2)(c) of the Matrimonial Causes Act. The Petition fails on this ground.

Now to the Cross Petition. Cross Petition is likened to a counter claim which is a different suit altogether and the Cross Petitioner must succeed on his claim pursuant to Section 15(2) of the Matrimonial Causes Act. The Cross Petitioner has also relied on Section 15(2)(c) of the Matrimonial Causes Act. The Cross Petitioner testified that the Cross Respondent beats her at will and has never made any financial contribution for the maintenance of the home and the children of the marriage. The Cross Petitioner also accused the Cross Respondent of denying her conjugal relationship and described him as a slave driver that would prefer the Cross Petitioner as a slave rather than a wife. She

also described him as tale bearer who is in the habit of casting aspersions.

Under cross examination, the Cross Petitioner stated that the Cross Respondent left her to cater for herself and the first child, but she still went ahead to conceive the second child. She relocated from Lagos to Abuja because she felt she wanted to be with the Petitioner. The Cross Petitioner admitted leaving the matrimonial home to a rented apartment in Kubwa, Abuja.

Perusing the evidence of the Cross Petitioner, what stands out pursuant to Section 15(2)(c) and Section 16(1) of the Matrimonial Causes Act is the testimony of leaving the Cross Petitioner without any support.

- When she gave birth to the 1st child, Respondent did not pay medical bills nor attend the naming ceremony.

- When she gave birth to the 2nd child he did not also pay the medical bills and no financial contribution, for the treatment of the child diagnosed with jaundice.

I say this because, the tellers which the Petitioner sought to tender through the Respondent to evidence the payments alleged to have been made to the Respondent were rejected in evidence and marked as Exhibit D1 (rejected) as they were not pleaded.

It is also pertinent to state that Exhibit A1 the Statements of Account was dumped on the Court and no explanation was made as to what was paid to the Respondent as maintenance for the children and when. It is elementary law that need no citation of authority that averments/evidence not challenged are deemed admitted and the Court can act on same in arriving at a decision.

This act of the Respondent alone is weighty enough to ground a decree of dissolution of marriage pursuant to

Section 15(2)(c) and Section 16(1)(c)(ii) of the Matrimonial Causes Act. **I am therefore satisfied that the Cross Petition succeeds on this ground, and I order a decree nisi to issue accordingly.**

Both the parties claim for custody of the two children. The Cross Petitioner testified that the children are presently living with her. On his part the Petitioner/Respondent to Cross Petition testified that he made efforts to see his children but to no avail and he last saw his children in 2014. He prayed the Court for custody stating that he is a pharmacist and has people working under him. That he has means of livelihood to sustain himself and his children.

It should be noted the children are still minors and have been living with the Cross Petitioner throughout the marriage. The matrimonial causes touch on issues that affect the family, particularly the children who are the most vulnerable, therefore their interest is paramount. For this reason, the Courts in such proceedings were given broad

discretion to exercise in determining from the circumstances of each case, where the child or children of the marriage should be, which is not limited to the parents or relation but to a non-party. The best interest of the child is always considered in exercising the Court's discretion as to who is to have custody of a child of a disputing couple who are usually more concerned with their own interests and desires rather than that of the child or children whatever the case may be. For this reason, whether or not the parties plead facts as to custody of the children, the Court has the discretion to decipher from the facts to which of the parties' custody should go to. See Ojeniran vs. Ojeniran (2018) LPELR – 45697 (CA)

The evidence is that parties to the marriage did not leave together in the same State during the pendency of the marriage, because of their various works and life style. The children are minors and still in their formative ages. The 2nd child is a girl and will need her mothers guidance. The fact

that the children are leaving with their maternal grandparents is not a factor that can affect the award of custody to a party.

I reiterate that in considering who to award custody of a child to, the Court is more concerned with the welfare of the child as a whole, which includes day to day care of the child, his moral upbringing, physical development/care and mental state, as well as education, a balanced life irrespective of the fact that the parents are unable to live together and jointly raise the child under the same roof. See William vs. William (1987) 2 NWLR (PT. 54) 66 SC, Sanni vs. Mabinuori (2014) LPELR – 22537 (CA), Odia vs. Odia (2015) LPELR – 25779 (CA) P. 17, and Emmanuel vs. Funke (2017) LPELR – 43251 (CA). There is nothing on record to show that the Cross Petitioner would be unable to care and cater for the children. The Cross Respondent who has alleged that the children are being confined to child labour has not presented any evidence to buttress that fact.

I have no iota of doubt in mind that the children are better off and their interest is better protected if left in the custody of their mother, the Cross Petitioner. **I therefore grant custody to the Cross Petitioner.**

This Court however is not unmindful of the fact that the Petitioner stated that he saw his children last in 2014 and his effort to be part of their lives. I agree with him (Petitioner) that the children should be allowed to know their father and be responsible for their needs since he has shown willingness to be part of their lives. **Therefore having awarded custody, I order that unfettered access to the children shall be given to the Petitioner. This is bearing in mind that access is a basic right of the children and not that of the parents.**

The Cross Petitioner has further prayed for maintenance in the sum of N200,000.00 for the two children of the marriage. Having been responsible for the children, she stated that it has not been easy and therefore

wants the Petitioner/Cross Respondent to play a role in the life of the children.

Under cross examination, she said the Cross Respondent sends money into her account once in a while for the upkeep of the children.

Order for maintenance, like all judicial orders, must not be arbitrary. Rather, it should be made judicially and judiciously. It must be based on empirical evidence and established rules or principles of law. From cases decided on Section 70(1) of the Matrimonial Causes Act (MCA), there are clear templates for the exercise of a Court's discretion in assessment and award of maintenance. By these templates, the Court must always have regards to the means, earning capacity of the parties in the marriage and their conduct. See Olu Ibukun v. Olu Ibukun (1974) NSCC 91; Nanna v. Nanna (2006) 3 NWLR (Pt. 966) 1; Akinboni v. Akinboni (2002) FWLR (Pt. 126) 926, (2002) 5 NWLR (Pt. 761) 564 at 582.

Section 70(1) of the Matrimonial Causes Act provides:

"Subject to this section, the Court may, in proceedings with respect to the maintenance of a party to a marriage, or children of the marriage, other than proceedings for an order for maintenance pending the disposal of proceedings, make such order it thinks proper, having regards to the means, earning capacity and conduct of the parties to the marriage and all other relevant circumstances."

What evidence do I have before me regarding the means and earning capacity of the Petitioner/Cross Respondent? The Cross Petitioner did not say anything concerning the earning capacity of the Cross Respondent. The Cross Petitioner said she earns N600,000.00 monthly. The Cross Respondent testified that he is a Pharmacist and has people working for him. That he has means of livelihood to take care of himself and the children. Being a

Pharmacist, it is apparent that the Petitioner has the capacity to earn money and be responsible for his children. In such a situation though his real earnings is not before the Court, the Petitioner like every responsible man/father has to shoulder some responsibility for his children. **In this regard, I order that the Petitioner shall pay the sum of N60,000.00 (Sixty Thousand Naira) monthly as maintenance allowance for the children of the marriage. In addition, he shall be responsible for the payment of school fees as and when due.**

The Cross Petitioner has claimed for additional N200,000.00 as damages for psychological and physical trauma suffered at the hands of the Cross Respondent. No evidence was presented before the Court to support this relief.

The discretion vested in divorce Court to make maintenance order under Section 70(1) of the Matrimonial Causes Act is not a discretion empowering the divorce

Court to award compensation or damages upon dissolution of marriage, nor is it as a mark of disapproval of the conduct of one of the parties to the marriage. Quite unlike in tort, in divorce proceedings the Court does not award damages. See Igwemoh vs. Igwemoh (2014) LPELR – 46807 (CA). This relief will thus be refused.

Finally the Cross Petitioner has asked for cost of N500,000.00. It is not clear whether this is solicitors costs. If it is, there is no evidence before the Court to evidence the payment of N500,000.00 to any solicitor. If it is cost of the suit, I direct that each party shall bear his/her costs.

Signed
Honourable Judge

Appearances:

T.O. Anawo Esq – for the Petitioner

Okechukwu Casmir Opara Esq – for the Respondent