

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL
TERRITORY**

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT JABI –ABUJA

HIS LORDSHIP: HON. JUSTICE M.S. IDRIS

COURT NUMBER: 28

DATE: -18TH OCTOBER, 2023

FCT/HC/PET/400/2022

BETWEEN

NAOMI CHINEMEREM GEORGE NWACHUKWU.

PETITIONER

AND

GEORGE NWACHUKWU.

RESPONDENT

JUDGMENT

The Petitioner instituted this suit via a a notice of petition dated and filed on the 18th day of July 2022. the Petitioner sought before the court for the following reliefs:-

- i. A DISSOLUTION OF THE MARRIAGE on ground that the marriage has broken down irretrievably, due to the fact that since the marriage the Respondent has behaved in such a way that the Petitioner could not reasonably be expected to live with him.
- ii. AN ORDER OF COURT granting access to the Petitioner to go to the Respondent's house to collect all her properties she left in the respondent's house. The properties include.
 - A. Her Clothing's
 - B. Her Footwears;
 - C. Her Jewellery.
- iii. AN ORDER OF COURT directing the Respondent to pay to the Petitioner the sum of Thirty Million Naira only (30,000,000.00) being damages for violation of her right dignity of her person as

guaranteed under section 34 of the Constitution of the Federal Republic of Nigeria, 1999 as amended.

The originating processes were duly served on the respondent. On the 18th day of October, 2023 during hearing, the petitioner as PW1 informed the court that parties have settled and she adopted the terms of settlement dated 26th day of September, 2023. Counsel to the petitioner

Sunday Adaji applied that the terms of settlement adopted by the petitioner be entered as consent judgment in this case, counsel to the respondent Bola Okuntade agreed and adopted the submission of the petitioners Counsel that the terms of settlement be entered as consent judgment.

The terms of settlement as mutually agreed by parties are in the following terms:-

1. The Petitioner has resolved that she shall no longer claim from the Respondent damages to the tune of Thirty Million Naira only(30,000,000.00) over violation of her right to dignity of her person as guaranteed under section 34 of the Constitution of the Federal Republic of Nigeria 1999 as Amended.
2. The Respondent on the other hand has resolved to forgo all his claims against the Petitioner as contained in his answer to the Petitioner's Petition
3. There has not been reconciliation on the issues of their Marriage and as such this Memorandum of out of Court Settlement does not represent reconciliation of parties regarding continuation of their Marriage.
4. The Petitioner by this Settlement has withdrawn all her claims against the Respondent except Dissolution of their Marriage and invite the Court to so hold.
5. The Respondent by this Settlement has withdrawn all his claims against the Petitioner except dissolution of their Marriage and invite the court to so hold.

6. The Petitioner by this Memorandum do withdraw her written witness statement on oath and all the averments therein and consequently rely only on her oral testimony.
7. The Parties do hereby adopt this Memorandum of out of court settlement as Judgment of this Honourable court with their consent and upon their invitation.

The above terms were duly executed by the parties witnessed by their counsel. Where parties settle and then prepare terms of settlement which they embody in a document and apply to Court for same to be entered as consent judgment in the action, the duty of the Court at that point is limited to give effect to the express intentions of the parties as embodied in the filed terms of settlement.

Accordingly, the marriage between the petitioner and the respondent conducted on the 6th of march 2019 is hereby dissolved, the terms of settlement having been duly executed by the parties and their respective witnesses, same is hereby entered as consent judgment in this action and I so hold.

HON. JUSTICE M.S IDRIS
(Presiding Judge)

APPEARANCE

Sunday Adaji:- For the Petitioner.

Bola Oguntade:- For the Respondent.