

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ZUBA, ABUJA**

**ON WEDNESDAY THE 21<sup>ST</sup> DAY OF JUNE, 2023**

**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**

**JUDGE**

**SUIT NO.: FCT/HC/PET/200/2023**

**BETWEEN:**

**MR. AFOLABI ISAAC**

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**PETITIONER**

**AND**

**MRS. OMOTUNDE DAMILOLA OLOYEDE --- RESPONDENT**

## **BENCH JUDGMENT**

On the 7<sup>th</sup> day of February, 2023 the Petitioner, Afolabi Isaac filed this Petition for the dissolution of the marriage contracted between him and the Respondent, Omotunde Damilola Oloyede on the 22<sup>nd</sup> day of October, 2015 at the Federal Marriage Registry Ikoyi, Lagos State. The marriage was blessed with 2 Children.

Shortly after the marriage was contracted or celebrated it hit the rock in that the Petitioner felt that it has broken down irretrievably and that the Respondent has behaved in such a way that he is not expected and cannot

continue living with the Respondent as husband and wife. Hence, he filed this Petition seeking for the dissolution of the marriage.

The Respondent was served and she filed an Answer to the Petition on the 28<sup>th</sup> day of April, 2023 stating that the said marriage had actually broken down irretrievably and that she is no longer interested to and does not expect to continue with same.

Both parties listed facts in their respective Processes on why the Court should dissolve the marriage. They had through their respective lawyers adopted their Processes. This Court deems as if set hereunder seriatim the facts of the Petitioner and Respondent in this Suit having taken judicial notice of same. Parties agreed to disperse without oral testimony in Court.

The Court had urged them to see if they could reconcile but if they fail to do so, they should pen down the terms of custody and settlement of issues between them which will be adopted before this Court. They obeyed the Order and instruction of the Court and had on the 31<sup>st</sup> May, 2023 filed before this Court the said Report as agreed between them.

The marriage was blessed with 2 Children. They had agreed to have joint custody of the 2 Children as spelt out in the said Terms. See paragraph 1. They had also penned down the issue of maintenance, health and up-keep of the Children in paragraph 2 of the document. The

issue of education was as set out in paragraph 3 as agreed by them and also issue of accommodation which is to be on 50% ratio. Also there is the issue of **Eighteen Million, Two Hundred Thousand Naira (₦18, 200,000.00)** which is the withdrawal of Relief C. They concluded that the said Terms shall be part of the Judgment of the Court which shall be legally binding on them in accordance to Matrimonial Causes Act 2004 LFN.

Once parties are ad idem in dissolution of marriage between them, the Court has no reason not to oblige them their heart desire. In this case the parties are ad idem on divorce. They had all stated their reasons for the dissolution. It is obvious that the bottom had dropped off the marriage and that all its content has gushed out leaving only the empty shell.

*That being the case, the Court hereby dissolve the said marriage between the Petitioner, Afolabi Issac and the Respondent, Omotunde Damilola Oloyede today the 21<sup>st</sup> day of June, 2023 both parties having shown in their respective Affidavit and being ad idem that the marriage had broken down irretrievably.*

This Order Nisi made today shall automatically be made absolute if after 90 days from today the parties did not come back together to cohabit as husband and wife and revive conjugal right.

The Court adopts as part of this Judgment the said Compulsory Conference as provided under Order 11,

Rule 33 – 36 of the Matrimonial Causes Rule 1990 as if the said Compulsory Conference term is set hereunder seriatim.

**This is the Bench Judgment of this Court.**

**Delivered today the \_\_\_ day of \_\_\_\_\_ 2023 by me.**

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**K.N. OGBONNAYA**  
HON. JUDGE