

Their Children are:

- i. **Ruby Benjamin** aged 4 years old as at 2022 – born on 24th August, 2018.
- ii. **Jason Benjamin**, born on 21st December, 2020.

But the parties have for 3 years been living apart from each other. The Children were living with their Mother, Temitope, ever since.

The parties tendered the Marriage Certificate as an Exhibit.

The Respondent equally stated that the marriage has broken down irretrievably, and had in her Cross-Petition want the Court to dissolve the marriage.

The Petition was based on several grounds as set therein. The Cross-Petition was equally based on the grounds as set therein. The Court deems the said grounds as if set hereunder seriatim.

The Petitioner wants payment for the cost of the Suit – **₦1, 000,000.00 (One Million Naira)** only, aside from the dissolution of the marriage. He said nothing about the custody of the Children of the marriage, which is strange to this Court, or on payment of support.

Well, the Court is not surprised because, one of the days he came to Court he came in company of a female who he described as a “close friend”. Meanwhile, the Respondent had raised issue of ill-health during

pregnancy, that she suffered High Blood Pressure because of infidelity, ill-treatment, and lack of care by the Petitioner. That the act of coming to Court in company of a female friend confirms that the allegation of infidelity is true and need no further proof.

It is the law that marriage contracted under the Act can only be dissolved through filing a Notice of Petition in High Court seeking for dissolution of same.

Today, this marriage contracted at the Marriage Registry at Abuja Municipal Area Council (AMAC) is here for dissolution, which is the right place.

It is also provided that where there is desertion or cruelty, that such marriage can be dissolved.

Going through the Affidavit of both parties, it is clear that there are allegation of cruelty, desertion for three (3) years, and other issues as infidelity, etc. See **S. 16 of the Matrimonial Causes Act.**

This Court had listened and recorded the testimonies of the PW1 and DW1. It is clear beyond doubt that the marriage has broken down irretrievably. Both parties are fed up with each other, and are no longer ready to live together. They have voiced that out before this Court.

That being the case, this Court has only one duty which is to grant them their heart desires which is to dissolve the marriage.

This Court therefore, today the 15th day of April, 2025, DISSOLVES the marriage contracted between **Benjamin Iraya** and **Temitope Benjamin Iraya**, contracted on the 31st day of July, 2015, which has broken down irretrievably.

If after 90 days the parties do not come back as husband and wife, this marriage which is dissolved today and the Order Nisi made today shall become automatically Absolute.

On custody and welfare of the Children of the marriage, this Court Orders thus:

The Respondent shall continue with the custody of the Children, given their ages, until they are of ages of maturity.

The parties shall agree as to the choice of school for the Children of the marriage.

The Petitioner shall have right to visit the Children at the designated place which they shall agree.

The Petitioner shall pay **₦50, 000.00 (Fifty Thousand Naira)** only per month for the upkeep of the Children in addition to buying food stuff.

The Petitioner should also take the Children on weekends, at least once a month for now.

The Petitioner should also contribute to the school fees of the Children of the marriage.

This is the Bench Judgment of this Court.

Delivered today the _____ day of _____ 2025 by me.

K.N. OGBONNAYA
HON. JUDGE

APPEARANCE:

PETITIONER'S COUNSEL: CHINWE AMOKAHA ESQ.
GRACE SAMUEL ESQ.

RESPONDENT'S COUNSEL: O.A. OLAWUYI, ESQ.