

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT KUBWA, ABUJA**

**ON TUESDAY, THE 12<sup>TH</sup> DAY OF JANUARY, 2021**

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

**JUDGE**

**SUIT NO.: FCT/HC/PET/33/19**

BETWEEN:

**PAUL ONOGU ABAH**

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**PETITIONER**

**AND**

**MERCY UNEKWUOJO ABAH**

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**RESPONDENT**

## **BENCH JUDGMENT**

This Court had sometime ago dissolved the marriage between the parties in this Suit based on the Petition filed by Paul Onogu Abah. The Respondent had also not challenged the dissolution of the marriage. The Court gave an Order Nisi but further ordered that that the parties as they agree, should come up with a Terms of Settlement as it pertains to the custody of the only child of the marriage.

Today the parties have adopted in turn the said Terms of Settlement as regards the custody of the said child – Paula Ojochegbe Abah.

The parties had set out, filed and signed the said Terms of Settlement since the 11<sup>th</sup> December, 2020. They have today adopted same through their respective Counsel in Court today. Both parties are present in Court today 12<sup>th</sup> January, 2021.

The Court will go on and hereby and now read out the said Terms of Settlement and thereafter enter same as Consent Judgment of the parties.

### **TERMS/AGREEMENT AS TO CUSTODY**

#### **WHEREAS:**

A. By a Petition filed on the 31<sup>st</sup> July, 2019 before the High Court of the Federal Capital Territory, Abuja in Suit NO.: FCT/HC/BW/PET/33/19, the Petitioner instituted a proceeding for the decree of dissolution of marriage seeking the following Reliefs:

- a) A decree for the dissolution of marriage between the Petitioner and the Respondent by virtue of the fact that the marriage has broken down irretrievably.

- b) A decree NISI of dissolution of marriage between the Petitioner and the Respondent by reason of matters herein before stated.
- B. The Respondent did not file any response to the Petition within the time allowed to file same or at any time whatsoever and when the Petition came up for hearing on 20<sup>th</sup> January, 2020 after the Court have allowed time for possible settlement and all attempts at settlement have failed, the Court inquired from the parties if they are still interested in the marriage and upon their answering in the negative, the Court held that “so be it” and the case was adjourned for parties to address the Court on the custody of the only child of the marriage.
- C. The Petitioner and the Respondent have however reached a compromise and have decided to amicably resolve the issue of custody of the only child of the marriage under the following terms.

**WHEREAS IT IS AGREED AS FOLLOWS:**

1. That the Respondent does not contend the Reliefs sought by the Petitioner.
2. The Petitioner and the Respondent have settled to have joint custody of the only child of the marriage **Miss Paula Ojochegbe Abah.**

She shall spend Holidays with the both  
Petitioner and Respondent equally.

3. The foregoing WITHSTANDING, the Petitioner will not withhold but will permit/allow **Miss Paula Ojochegbe Abah** as agreed by both parties, to spend half of her holidays with the Respondent and the Petitioner shall pay the Respondent Twenty Five Thousand Naira (~~₦~~25,000.00) only for the upkeep of the child for the period of such holiday stay.
4. The Petitioner has been and shall continue to cater for the medical, school, general upkeep and all other expenses of the only child of the marriage; **Miss Paula Ojochegbe Abah** who will continue her Secondary education in a Boarding School Facility where she has already been enrolled by the Petitioner.
5. The Petitioner has paid a one-off rent in the sum of Five Hundred Thousand Naira (**₦500,000.00**) only to the Respondent (the receipt of which the Respondent hereby acknowledges), to enable the Respondent secure an apartment she will move into after the marriage is dissolved.
6. The Petitioner shall give the Respondent the sum of Five Hundred Thousand Naira (**₦500,000.00**) only to enable her start up a decent

business that can sustain her after the marriage is dissolved.

7. That in satisfaction of the above terms, the parties AGREE that the marriage is dissolved and to settle the issue of custody and other ancillary matters in the manner stated herein.

The above Terms of Settlement as to custody is hereby entered as Consent Judgment of the parties in this case FCT/HC/BW/PET/33/19.

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

**Delivered today the \_\_\_\_ day of \_\_\_\_\_ 2021 by me.**

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