

IN THE HIGH COURT OF JUSTICE OF THE F. C. T.
IN THE ABUJA JUDICIAL DIVISION
HOLDING AT APO, ABUJA
ON TUESDAY, THE 22ND DAY OF FEBRUARY, 2022
BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA
JUDGE

SUIT NO: FCT/HC/PET/095/2019

BETWEEN:

JOHNSON MOSES ESLA

PETITIONER

AND:

JANET AJAO JOHNSON

RESPONDENT

CONSENT JUDGMENT

E. N. JiyaEsq.: appears for the Petitioner.

T. C. OmenmaEsq. holding the brief of Ugo NwoforEsq.: appears for the Respondent.

The Petitioner is present in Court.

Counsel for the Petitioner:The matter is for report of settlement and parties have reached a consensus. We equally filed our Terms of Settlement. With the Court's permission, we want to proceed and adopt same.

The Terms of Settlement is dated 28/01/2022 and filed on 31/01/2022. The agreed terms are contained in our application before this Court. We pray the Court to enter judgment as per the terms.

Counsel for the Respondent: That is the position. I hereby aligned myself with the Petitioner's Counsel.

COURT: By a Petition for a Decree of Dissolution of Marriage dated and filed on the 11th day of December, 2019, the Petitioner sought the following reliefs from this Court:-

1. *A Decree of Dissolution of Marriage on the ground that the marriage has broken down irretrievably upon the facts and particulars set out in paragraph 7 above (that is, paragraph 7 of the Petition for Decree of Dissolution of Marriage).*

On the other hand, the Respondent, upon being served with the Petitioner's processes, and after obtaining the leave of this Court to file her processes out of time, filed an Answer and Cross Petition on the 13th of July, 2020. In the Cross-Petition dated the 07th of July, 2020, the Respondent sought the following reliefs from this Honourable Court:-

1. *A Decree of dissolution of the marriage held on 9th day of April, 2016 at the Akure Marriage Registry, Ondo State on the grounds:*
 - i. *That the Petitioner has deserted the Respondent, and is now cohabiting with a strange woman;*
 - ii. *That since the marriage, the Respondent has behaved in such a way that the Respondent could not reasonably be expected to live with the Petitioner;*
 - iii. *Irretrievable breakdown of the marriage in that the Petitioner has abandoned the Respondent, rendered her almost without anything,*

and moved into a new life with a total strange woman whom he now cohabits with.

- 2. An Order of this Honourable Court directing the Petitioner to pay the Respondent the sum of ₦2,440,000.00 (Two Million, Four Hundred and Forty Thousand Naira) being special damages arising from sum the Respondent would have earned at ₦50,000.00 per month for 4 years but for the direct actions of the Petitioner who deliberately deprived the Respondent from earning any money or fee in the course of their marriage.*
- 3. An Order of this Honourable Court directing the Petitioner to pay the Respondent sum of ₦2,150,000.00 (Two Million, One Hundred and Fifty Thousand Naira) being the price for completion and treatment at the DIFF Hospital Abuja, being for IVF Medications, Oocyte Retrieval, Embryo Transfer, Embryology Technical Fee and Luteal Support.*
- 4. And for such further Orders as this Honourable Court may deem fit to make in the circumstances.*

Today, the parties herein through their Counsel have informed the Court that they have decided to resolve the matter out of Court. They have, accordingly, filed a Terms of Settlement which they have proceeded to adopt as their Consent Judgment. The Terms of Settlement filed by the parties is reproduced verbatim hereunder:-

TERMS OF SETTLEMENT

1.0. INTRODUCTION

1.1. The Petitioner commenced this action by a Notice of Petition filed on 11th day of December, 2019 seeking the relief of a Decree of Dissolution of Marriage between the Petitioner and the Respondent on the ground that the marriage has broken down irretrievably. Upon service of the said Notice of Petition on the Respondent, the Respondent and the Petitioner thereafter agreed and resolved on terms to file Notice of Settlement in Court to be pronounced as Consent Judgment herein.

AGREED TERMS

That both the Petitioner and the Respondent after several consultations and meetings have hereby agreed on the following terms:

- a. That the marriage between the Petitioner and the Respondent was contracted in accordance with the Marriage Act at the Akure Marriage Registry, Akure, Ondo State, on the 09th April, 2016, and a Marriage Certificate was issued thereof.
- b. That both the Petitioner and the Respondent have lived apart for a continuous period of over three years immediately preceding the presentation of this petition.
- c. That consequent to the foregoing paragraph, the marriage between the Petitioner and the Respondent has broken down irretrievably.

- d. That both parties pray this Honourable Court to declare that the marriage, having broken down irretrievably, issue a decree of dissolution of the said marriage and consequently withdraw the said Certificate of the Marriage that was issued.
- e. That the terms agreed by both parties to this petition should be entered as the Judgment of this Honourable Court by consent of the parties herein.

The Terms of Settlement was dated the 28th day of January, 2022. The Parties to the petition and their respective Counsel duly executed the Terms of Settlement. The Terms of Settlement was filed on the 31st day of January, 2022.

COURT

Parties' agreement dated 28th of January, 2022 and filed on the 31st of January, 2022 is hereby granted as Consent Judgment in this matter.

**HON. JUSTICE A. H. MUSA
JUDGE
22/02/2022**

APPEARANCES:

FOR THE PETITIONER:

E. N. JiyaEsq.

FOR THE RESPONDENT:

T. C. Omenma Esq.

Ugo NwoforEsq.