

**IN THE HIGH COURT OF JUSTICE OF THE F. C. T.**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDING AT APO, ABUJA**  
**ON WEDNESDAY, THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2021**  
**BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA**  
**JUDGE**

**SUIT NO: FCT/HC/PET/075/2021**

**BETWEEN:**

**MRS MARGARETMARY NGOZI AZINKPALI**

**PETITIONER**

**AND:**

**MR PETER NWABUIHE AZINKPALI**

**RESPONDENT**

**CONSENT JUDGMENT**

**Constance AkpadoluEsq.:** appears for the Petitioner. The Petitioner is in Court.

**IjeomaNwosu with NinoNwaghaEsq.:** appears for the Respondent. The Respondent is absent.

**Counsel for the Petitioner:** The matter is slated for hearing. However, parties in this case decided to opt for settlement out of Court and before you is memorandum of settlement and it is the intention of the parties to adopt same subject to the Court's convenience.

**Counsel for the Respondent:** That is the position.

**COURT:** By a Petition for a decree of dissolution of marriage dated and filed on the 12<sup>th</sup> of February, 2021, the Petitioner sought the following reliefs from this Court:-

1. A Decree of dissolution of the Petitioner's marriage celebrated on 22<sup>nd</sup> November, 2020, with the Respondent on the ground that the marriage has broken down irretrievably.

2. An Order granting the Petitioner full custody and exclusive parental responsibility for the four children of the marriage.
3. An Order of injunction mandating the Respondent to remit, on or before the 1<sup>st</sup> day of each calendar month, the sum of ₦328,962.50K (Three Hundred and Twenty-Eight Thousand, Nine Hundred and Sixty-Two Naira, Fifty Kobo) to designated bank account, to be supplied and operated by the Petitioner, as maintenance allowance for EbubeAzimkpali, AmarachukwuAzimkpali, Obama ChibuikeNnabuihe and Chiamaka Princess Nnabuihe till their graduation from the University to the following bank account: Account name: MargaretmaryNgoziAzimkpali, Bank Name: Guaranty Trust Bank, Account Number: 0024136339.
4. An Order of Injunction restraining the Respondent from harassing or assaulting the Petitioner; and from visiting the Petitioner's house, except with the latter's permission in writing, first sought and obtained.

On the other hand, the Respondent, upon being served with the Petitioner's processes, filed an Answer and Cross Petition on the 16<sup>th</sup> of June, 2021. In the Cross-Petition dated the same 16<sup>th</sup> of June, 2021, the Respondent sought the following reliefs from this Honourable Court:-

1. A Decree of dissolution of marriage on the ground that the marriage has broken down irretrievably.
2. An Order for shared (50%) custody of the children of the marriage.
3. An Order for the access and visitation rights of the children of the marriage by the Cross-Petitioner/Respondent during their school holiday until the attain the

age of eighteen years, when they can decide which of the parents they want to stay with.

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 Memorandum 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 12<sup>th</sup> day of February, 2021 seeking for the following reliefs:

a. A Decree of dissolution of petitioner's marriage celebrated on 22<sup>nd</sup> November, 2002 with the Respondent on the ground that the marriage has broken down irretrievably in that:

- i. The parties to the marriage have lived apart for a continuous period of at least three years immediately preceding the presentation of the petition.
- ii. The parties to the marriage have lived apart for a continuous period of 8 years immediately preceding the presentation of the petition.

b. An Order granting the Petitioner full custody and exclusive parental responsibility for the four children of the marriage namely:

- i. EbubeAzinkpali (Male) Date of Birth – 24<sup>th</sup> April, 2003
- ii. AmarachukwuAzinkpali (Female) Date of Birth – 18<sup>th</sup> April, 2005

- iii. Obama ChibuikeNnabuihe (Male) Date of Birth – 20<sup>th</sup> January, 2009
  - iv. Chiamaka Princess Nnabuihe (Female) Date of Birth – 27<sup>th</sup> December, 2011
- c. An Order of Injunction mandating the Respondent to remit, on or before the 1<sup>st</sup> day of each calendar month, the sum of ₦328, 962.50K (Three Hundred and Twenty-Eight Thousand, Nine Hundred and Sixty-Two Naira, Fifty Kobo) to designated bank account, to be supplied and operated by the Petitioner, as maintenance allowance for EbubeAzinkpali, AmarachukwuAzinkpali, Obama ChibuikeNnabuihe and Chiamaka Princess Nnabuihe till their graduation from University to the following account:
- ACCOUNT NAME: MARGARETMARY NGOZI AZINKPALI
- BANK NAME: GUARANTY TRUST BANK
- ACCOUNT NUMBER: 0024136339
- d. An Order of Injunction restraining the Respondent from harassing or assaulting the Petitioner and from visiting the Petitioner’s house, except with the latter’s permission in writing first sought and obtained.
- e. The Respondent/Cross Petitioner filed an Answer to the petition and a cross petition on 16<sup>th</sup> of June 2021 wherein he prayed for the following Orders:
- i. A Decree of dissolution of marriage on the ground that the marriage has broken down irretrievably.
  - ii. An Order for the access and visitation rights of the children of the marriage by the Cross-Petitioner/Respondent during their school

holiday until they attain the age of eighteen years, when they can decide which of the parents they want to stay with.

- 1.2. Claimant and Defendant have come to an understanding and have resolved to be bound by the terms stated below.

**THE PARTIES HEREBY AGREES AS FOLLOWS:**

1. The marriage between the Petitioner and Respondent has broken down irretrievably and the parties hereto mutually consent and agree that their marriage celebrated and conducted on 22<sup>nd</sup> day of November, 2002 at the Marriage Registry at Abuja Municipal Area Council, Abuja be dissolved.
2. The custody and exclusive parental responsibility of the four children of the marriage to wit: 1. EbubeAzinkpali (male), 2. AmarachukwuAzinkpali (female), 3. Obama ChibuikeNnabuihe (male), 4. Chiamaka Princess Nnabuihe (female) be given to the Petitioner.
3. The Respondent shall be entitled to access and visitation to the children of the marriage at the residence of the Petitioner only during their school holiday.
4. The Respondent shall duly inform the Petitioner within a reasonable time before visiting the children of the marriage.
5. These terms of settlement were voluntarily made and entered into by the parties hereto and neither party has connived or colluded with the other in order to pervert the course of justice.
6. These terms of settlement shall represent the full and final agreement as to custody, maintenance and upkeep of the Petitioner and children of the marriage.

7. The terms of settlement shall be filed in Court and shall be entered as consent judgment in this suit.
8. The neglect, failure and or refusal of the parties to this agreement to attend court on any day that this matter is fixed for hearing shall not preclude any of the parties present in Court from bringing the Terms of Settlement to the attention of the Court.
9. This agreement shall be binding upon and inure to the benefit of the parties, their heirs, assigns, personal/legal representatives, executors, administrators and successors-in-title.

The Terms of Settlement was dated the 12<sup>th</sup> of August, 2021. The Parties to the petition and their respective Counsel duly executed the Terms of Settlement. The Terms of Settlement was filed on the 07<sup>th</sup> of September, 2021.

### **COURT**

The Terms of Settlement dated the 12<sup>th</sup> of August, 2021 and filed in this Court on the 7<sup>th</sup> of September, 2021 as adopted by Counsel for both parties is hereby entered as Consent Judgment of this Court today, being the 29<sup>th</sup> day of September, 2021.

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**HON. JUSTICE A. H. MUSA**  
**JUDGE**  
**29/09/2021**

### **APPEARANCES:**

**FOR THE PETITIONER:**

**Constance AkpadoluEsq.**

**FOR THE RESPONDENT:**

**IjeomaNwosu Esq.**

**Nina Nwagha Esq.**