

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,  
IN THE ABUJA JUDICIAL DIVISION,  
HOLDEN AT COURT NO. 7 APO, ABUJA.  
BEFORE HIS LORDSHIP: HON. JUSTICE O. A. MUSA.**

**PETITION NO. FCT/HC/BW/PET/18/2021**

**BETWEEN:**

MR. ELIAV HOMOSSANY ..... PETITIONER

**AND**

MRS. SAMANTHA HEMBADOON HOMOSSANY ..... RESPONDENT

**JUDGMENT**

**DELIVERED ON 6<sup>TH</sup> DECEMBER, 2021**

The Petitioner Mr. Eliav Homossay, whose address is 21 Colorado Street, Maitama, Abuja, Petitions the court for a decree of dissolution of marriage against the Respondent Mrs. Samantha Hembadoon Homossany of 17B Colorado Street, Maitama, Abuja, FCT upon the ground that the marriage has broken down irretrievably.

The Petitioner had by a Petition dated 20<sup>th</sup> day of May 2021 and filed on the 15<sup>th</sup> day of June 2021 commenced this action and sought from this Honourable Court the following reliefs:

1. A DECREE of dissolution of the marriage between the Petitioner and the Respondent contracted at the Marriage

Registry, Abuja Municipal Area Council, Area 10, Abuja, on the 5<sup>th</sup> day of June 2018, on the ground that the marriage has broken down irretrievably.

2. An Order of Court granting both parties joint custody of the children of the marriage.

On the other hand, The Respondent filed an Answer to the Petitioner's Petition on the 3<sup>rd</sup> day of November 2021 wherein the Respondent has urged the Court to dismiss the Petition for being frivolous, and to further refuse all the reliefs being sought therein.

Consequently, after series of deliberations and settlement meetings between the parties and their respective Counsel, the Respondent has resolved not to oppose this Petition.

The Petitioner and the Respondent are deeply concerned about the welfare of the children of the marriage, to wit:

- (a) AVIEL TERUNGWA BRADLEY HOMOSSANY (M) born on 26<sup>th</sup> August, 2011;
- (b) SOPHIA VICTORIA HOMOSSANY (F) born on 28th January, 2016:
- (c) TALIA YAFFA HOMOSSANY (F) born on 28th January, 2016: and

(d) ARIA YUANA HOMOSSANY (F) born on 28th January, 2016.

The Petitioner and the Respondent are desirous of settling the issues of the custody and the upkeep of the children of the marriage in this Petition.

Having no further issues joined as regards the dissolution of the marriage, the Petitioner and the Respondent with their respective Counsel have discussed and drawn up these terms of settlement on custody and maintenance of the children.

On 6<sup>th</sup> December, 2021, the learned Counsel to the Petitioner informed the court that parties have agreed to settled their matter out of court and enter terms of settlement dated 4<sup>th</sup> December, 2021 and filed on 6<sup>th</sup> December, 2021, he humbly adopt same and urged the court to enter same as Consent judgment.

The Respondent Counsel on the other hand confirms it as their position; also adopt it and urged the court to make it as Consent Judgment.

The Petitioner and the Respondent hereby agree as follows:-

1. That the Petitioner and the Respondent shall have joint/shared custody of the children of the marriage, to wit:-

(a) AVIEL TERUNGWA BRADLEY HOMOSSANY;

(b) SOPHIA VICTORIA HOMOSSANY;

(c) TALIA YAFFA HOMOSSANY; and

(d) ARIA YUANA HOMOSSANY

2. That the Petitioner shall cater for the children's education up to university level.
3. That the Petitioner shall continue to provide for decent feeding, clothing, shelter, medicals, extra-curriculum support, vacations and all the basic needs of the children.
4. That the Respondent and the children shall continue to reside at the present family residence, being the house known as No. 17B, Colorado Street, Maitama, Abuja, at the Petitioner's expense, and should there be any reason whatsoever for the Respondent and the children to vacate the said residence, the Petitioner shall continue to provide decent accommodation in a respectable neighborhood metropolitan Abuja for the Respondent and the children until the last of the children attains the age of 21, provided the Respondent does not entertain and/or carry on any love interests in the accommodation provided by the Petitioner, which accommodation shall at all times material to these terms of settlement be comparable to

the parties present accommodation at No. 17B Colorado Street, Maitama, Abuja, FCT.

5. That the Petitioner shall continue to engage and pay domestic staff i.e., nanny, security and gardener for the house occupied by the children and the Respondent.
6. That the Petitioner shall continue to provide a car for the domestic use of Respondent and the children, at all times relevant to the terms of this settlement.
7. That the Petitioner shall maintain the current lifestyle of both the Respondent and the children after the dissolution of the marriage.
8. That the Petitioner shall relocate each of the children to England for western education as soon as each has concluded his or her primary/elementary school and ready for secondary education, which shall be upon the attainment by each child of at least the age of eleven (11) years.
9. That the Petitioner shall pay to the Respondent a weekly sum of N50,000 (Fifty Thousand Naira) only to cater for contingencies, subject to a monthly account retirement to be made by the Respondent and forwarded to the Petitioner at the end of each month.

10. That the Petitioner shall bear 50% of the Respondent's cost in the petition, by paying 50% of the Respondent's Counsel's professional fees, subject to agreement as to the quantum of the fees.
11. That within a reasonable time after the formal dissolution of the marriage in terms of this settlement, the Respondent shall commence steps to formally drop the Petitioner's family name.
12. That prior notification to the other party shall be required before any party to the Petition may take the children outside the Federal Capital Territory, Abuja (where both parties are resident), or outside Nigeria.
13. That both the Petitioner and the Respondent have willfully entered into these terms of settlement.
14. That these terms of Settlement be incorporated into and made part of the Judgment of this Honourable Court in Petition No: FCT/HC/BW/PET/18/21 between MR. ELIAV HOMOSSANY V. MRS. SAMANTHA HEMBADOON HOMOSSANY.

The terms of settlement of the parties dated 4<sup>th</sup> December, 2021 and filed 6<sup>th</sup> December, 2021 by their respective

counsels is hereby adopted as the consent judgment of the court in respect of this suit.

1. None of the parties shall opt out of it.
2. It has become absolutely binding on both the parties in this matrimonies suit.
3. Any parties who acted otherwise shall be sanctioned forthwith. I so hold.

**APPEARANCE:**

Khoni Bobai, Esq. for the Petitioner

Michael Okejimi, Esq. for the Respondent

Sign

Hon. Judge

06/12/2021