

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT HIGH COURT MAITAMA – ABUJA**

BEFORE: HIS LORDSHIP HON. JUSTICE S. U. BATURE

COURT CLERKS: JAMILA OMEKE & ORS

COURT NUMBER: HIGH COURT NO. 24

CASE NUMBER: SUIT NO. FCT/HC/PET/563/2020

DATE: 10TH NOVEMBER, 2021

BETWEEN:

ATINUKE TAIWO.....PETITIONER

AND

SUNDAY ADENLE TAIWO.....RESPONDENT

APPEARANCES:

Adrian C. Amadi for the Petitioner

E. G. Shuaibu Esq for the Respondent

Petitioner absent

Respondent is in Court

CONSENT JUDGMENT

The parties in this petition have filed Terms of Settlement on the 9th of November 2021. The said Terms of Settlement is also dated 9th day of November 2021.

The Terms of Settlement reads as follows: -

Terms of Settlement in respect of custody and maintenance of children of the marriage.

Whereas the Petitioner's claim is for:

- a). **A DECREE** of dissolution of the marriage between the Petitioner and the Respondent contracted on the 24th of May, 1997 on the ground that the marriage has broken down irretrievably and that the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with him.
- b). **AN ORDER** granting custody of the 3rd and 4th children of the marriage, to wit, **Seniloba Taiwo and Sewa Taiwo** to the Petitioner.
- c). **AN ORDER** for the Respondent to pay the school fees of the children of the marriage.
- d). **AN ORDER** for the Respondent to pay for the maintenance, upkeep and medical expenses of the children of the marriage, **SIMISOLA TAIWO, SIJIBOMI TAIWO, SENILOBA TAIWO AND SEWA TAIWO** at the rate of **N1, 000, 000 (One Million Naira)** only per month.
- e). **AND FOR SUCH FURTHER ORDER(S)** as this Honourable Court may deem fit to make in the circumstances.

AND WHEREAS efforts had been made by concerned, family members and religious leaders these past 2 years to reconcile parties but all to no avail.

AND WHEREAS it is not in dispute that the marriage has indeed broken down irretrievably and can no longer be salvaged.

AND WHEREAS parties are in consensus ad idem that the 3rd and 4th children of the marriage **Seniloba Taiwo and Sewa Taiwo** being minors must be provided for and taken care of.

THEREFORE, the parties have agreed as follows:-

1. That the marriage between the Petitioner and the Respondent has broken down irretrievably and the parties hereto mutually consent

and agree that their marriage celebrated and conducted on the 24th of May, 1997 at the Chapel of the Healing Cross, Idi-Araba, Lagos under the Marriage Act be dissolved.

2. The children of the marriage who are of the age of majority and above shall be free to decide which between the Petitioner or Respondent they wish to live with. **CUSTODY** of the children of the marriage, namely **Seniloba Taiwo** and **Sewa Taiwo** who are still minors shall be shared by the parties in the following manner;
 - (i). They shall stay with the Respondent whenever their schools are in session and the Petitioner shall be granted access to them on weekends fortnightly from Friday by 2Pm and shall be returned to the Respondent on or before 5Pm on Sunday to enable them prepare for school.
 - (ii). The children spend their holidays and other free time from school alternatively with both parties in a manner ensuring shared custody and whoever has custody at any given time shall be responsible for their transportation.
 - (iii). No party shall transfer custody of the children to any third party. Transfer in this instance would mean either party giving the children to either of their parent's friends, uncles, siblings, other family members or any other person or body. But they can spend their holidays or time with their grandparents, parents' friends, uncles, cousins and other extended family members.
 - (iv). Either party shall provide accommodation for the children in that party's apartment or home and not the homes of parents, friends, uncles, siblings, other family members or any other person or body.
 - (v). Holiday periods shall be divided equally between the parties, and the following terms shall apply:-
 - a. If up to 2 weeks, each party enjoys 1 week each with the children.

- b. If up to 3 weeks, the children will stay 1 week with the Petitioner and the last 2 weeks with the Respondent to enable them prepare for their school.
 - c. If up to (or more than) 4 weeks, then parties shall take 1 week after the other and the remaining days are shared in manner described in paragraph (a) above until the holiday is exhausted.
 - d. Any extra days not accounted for will be utilized by the Respondent.
- vi. When **any of the children** becomes of age (turns 18 of age), the part of this order regarding custody shall cease to bind her and she is free to stay with whoever she chooses between her parents.
- vii. The Respondent and the Petitioner shall not take any of the children who are minors out of Abuja without the consent of the other party first sought and obtained such consent not to be unreasonably withheld.
- viii. All of the children's local and international documents (including health, school records and travel documents) shall be kept in the Respondent's custody and released to the Petitioner when requested. The Respondent shall not reasonably withhold these documents and the Petitioner shall return same within 7 days of use except in the case of visa or other applications which may take more than 7 days.
- ix. Where there are open day visitations in the children's schools, the Respondent takes the first turn while the Petitioner takes one of the remaining days.
- x. **FULL LEGAL CUSTODY** shall be granted to either of the parties in the event that either of the parties:
- a. Is unable to provide accommodation, feeding, clothing and healthcare to the children of the marriage without

seeking help from friends, family members or organizations.

- b. Becomes medically unfit to perform or his/her duties as a parent.
 - xi. The Petitioner and the Respondent shall be responsible for the education and upkeep of the children of the marriage in equal shares.
3. Parties **SHALL** remain civil towards each other at all times.
 4. These Terms of Settlement was voluntarily entered into by the parties hereto and neither party has connived or colluded with the other in order to prevent the course of justice.
 5. The Terms of Settlement shall be filed in Court and shall be entered as a Consent Judgment in this suit.
 6. Parties shall bear their own costs.

Now the parties having executed and adopted the said terms same is hereby adopted by the Court as Consent Judgment of the parties in this petition.

Consequently therefore, this Court hereby holds that parties have satisfied this Honourable Court that their marriage has broken down irretrievably. Therefore, I hereby grant a Decree Nisi dissolving the marriage between the Petitioner **ATINUKE TAIWO** and the Respondent **SUNDAY ADENLE TAIWO** celebrated on the 24th day of May 1997 at the Chapel of the Healing Cross Idi-Araba Lagos. The decree shall become absolute if nothing intervenes within a period of three months from this date.

Signed:

Hon. Justice S. U. Bature
10/11 /2021