

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

BEFORE: HON. JUSTICE O. C. AGBAZA

COURT CLERKS: UKONU KALU & GODSPOWER EBAHOR

COURT NO: 6

SUIT NO: FCT/HC/PET/487/2020

BETWEEN:

MR. KELECHUKWU GIDEON ODO.....PETITIONER

VS

MRS. CHARITY CHETACHUKWU ODO.....RESPONDENT

CONSENT JUDGMENT

By a Notice of Petition dated 7/10/2020 and filed same day, the Petitioner Kelechukwu Gideon Odo is seeking the dissolution of the marriage, celebrated at Enugu North Local Government Area, Marriage Registry on 1/11/2014 between him and Charity Chetachukwu Odo – the Respondent. The Petition is predicated on the grounds of living apart since June, 2016.

The Petition was served on the Respondent but was represented by counsel, however did not file any Answer to the Petition. The Petition proceeded as Undefended.

The Petitioner in his testimony before the court, as PW1, stated they were married on the 1/11/2014 at the Enugu North Marriage Registry. The said certificate was received in evidence as Exhibit "A". He stated that consequent

upon irreconcilable difference, the Respondent sometime on the 22nd of June, 2016, came along with her father to the matrimonial home to move all her belongings. And since that date co-habitation ceased and we are living apart since that time. On this ground seeking for the dissolution of the marriage. He testified that in course of the trial, the both parties resolved by Terms to seek court intervention to dissolve the marriage on the ground stated and in line with the Terms of Settlement filed on 21/9/2021.

The PW1 – Petitioner was not cross-examined by the Respondent Counsel, rather rest their case on that of the Petitioner.

It is trite law that where evidence of party remains unchallenged, the court can act on it. See the case of Muomah Vs Enterprises Bank Ltd (2015) LPELR 24832 (CA). This the court will do.

In consideration of dissolution of marriage, the court will hold that a marriage has broken down irretrievably upon this satisfaction to court, by the Petitioner establishing any of the facts stated in Section 15 (2) of the Matrimonial Causes Act, categorized as sub-section (a-h). In this instant the Petitioner relies on Section 15 (2) (e) of the Matrimonial Causes Act.

Section 15 (2) (e) reads:-

“That the parties to the marriage lived apart for a continuous period of at least two (2) years immediately preceding the presentation of the Petition and the Respondent does not object to a decree granted”.

From the evidence, which remained unchallenged the Petitioner has satisfied this grounds, I therefore hold that the marriage has broken dissolved

accordingly. This also to the extent of the Terms of Settlement, filed on 21/9/2021 by the parties, adopted it as Consent Judgment.

Consequently, I hereby pronounce a Decree Nisi for the dissolution of the marriage contracted between the Petitioner and the Respondent on 1/11/2014 at the Marriage Registry, of Enugu North Local Government Authority, and shall become absolute after three (3) months from today.

TERMS OF SETTLEMENT OF NOTICE OF PETITION OUT OF COURT

- (1) **TAKE NOTICE** that a Petition was presented to the above named court by **MR KELECHUKWU GIDEON ODO** whose address for service is C/O his counsel **BENNETH NNAEMEKA EKE ESQ** of EXCLUSIVE LEGAL SERVICES NIGERIA of Plot 292, Zone A, Kusa Jisalo Crescent, Apo Abuja, who instituted this proceedings for Decree of Dissolution of MARRIAGE.
- (2) That this matter was fixed for hearing on the 9th February, 2021 though the court did not sit, the Respondent was represented in court together with her counsel OJUM CHIZOBA ESQ OF LEGAL OPTION SOLICITORS of Suite 7, Shalom Plaza, Gudu District, Abuja – FCT.
- (3) The parties met together in court with their respective counsel upon which amicable settlement was proposed by the Respondent and the Petitioner agreed to same, that this suit be settled amicably in the interest of justice out of court.

- (4) That it is hereby agreed between the parties after considering their respective claims, assertions and interest and for the fact that there was no child of the marriage and that parties have separated for years before now.
- (5) That the parties hereby further agree that they are ready to let go their respective claims and grievances and urge this Honourable Court to grant an order for dissolution of the marriage.
- (6) That the parties have shown absolute no interest in consummating the marriage anymore, because it was full of violence and threat to life of each other.
- (7) That all effort by the families, friends and even the counsel in this matter to unite the parties proved abortive.
- (8) That the marriage has broken down irretrievably and nothing can be done again to unite the parties any further as husband and wife, both having settled down with another man by the Respondent and the Petitioner also settled with another woman.

HON. JUSTICE O. C. AGBAZA

Presiding Judge

14/2/2022

APPEARANCES:

BENNETH-N EKE FOR THE PETITIONER

C. E. OJUM FOR THE RESPONDENT

