

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON TUESDAY, THE 22ND DAY OF FEBRUARY, 2022

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA JUDGE

SUIT NO.: FCT/HC/PET/75/2016

BETWEEN:

MRS. JOY AGHAYE-DUDU AGANGAN ----- PETITIONER

AND

MR. STEPHEN O. AGANGAN ----- RESPONDENT

JUDGMENT

In addition to the custody plan of the parties, the Court had listened to both parties on issue of custody. The three (3) key things in the plan are:

- (1) 60% - 40% for the school fees.
- (2) Visitation on weekends at the house of the Respondent when he is in Abuja on Saturday and weekends.
- (3) During holidays, the Children, given their ages, will visit the Respondent for the half ($\frac{1}{2}$) part of the holidays while they stay with the Petitioner for the other half.
- (4) The Court had decided also that the Respondent pay One Hundred and Sixty Thousand Naira

(₦160, 000.00) per month for the Children upkeep instead of the Two Hundred Thousand Naira (₦200, 000.00) as sought by the Petitioner.

Given the ages of the Children, the Court cannot allow the sleeping over during visitation because of their tender ages – 10 & 7 years respectively. They can start a sleep over at the Respondent's house from the age of 12.

All visitation henceforth shall be with the Nanny or whoever their mother had presented to be and act as their Nanny.

Again, the sleep over during the visitation cannot stand now since the Children have lessons on Saturdays.

All this is in addition to the Agreement of the parties in their custody plan. This will change when they are aged 12 years. They will sleep over on Friday night and come to the house on Sunday in the presence of a Nanny until they attain 16 years.

This Court had listened to both parties in this case who had tormentously been in Court since 2016 battling to dissolve their marriage which had long before 2016 obviously broken down irretrievably. The Court had stated the dissolution process asking the Petitioner to testify but the Court, having gone through the Responses to the Petition and the facts upon which the Petition and Cross-petition were predicated, decided in the exercise of its discretionary power to adopt all that the parties has listed in this application – Chequered Petition for

dissolution of the marriage and Cross-petition and answers, as if it is set down here seriatim.

This Court had listened to them spark and had noted that there is so much acrimony, so much misgrieving and unforgiveness which stems from egocentrism and the like.

It is obvious that both parties are well educated and gainfully employed, both working in the oil industry, yet they have both issue of money that tilts towards penny-pinching attitude to issue of money.

The Court had listened as they haggled the issue of custody and particularly maintenance of education of the Children. The Court voiced its resentments to both.

But since as it were, that they both have decided, having even before filing of the Petition, Answer and Cross-petition, to divorce each other, this Court has no power to force them to continue to live together particularly as the marriage has broken down irretrievably.

This Court hereby pronounce the obvious thus:

That given the long separation and living apart with allegation of denial of financial support and the attachment of the money spent but denied coupled with the denial of conjugal rights for several years and desertion and the Respondent had already a Child out of the wedlock living with the person, **this Court hereby dissolve the said marriage between the Petitioner – Mrs. Joy Aghaye-Dudu Agangan and Mr. Stephen O.**

Agangan celebrated on the 28th day of May, 2011 at the Benin Marriage Registry at the Anglican Church where it was solemnized, in that the marriage had broken down irretrievably and the parties have in their Petition and Cross-petition and Answer as the case is stated thereon, shown that they cannot live with each other any longer as husband and wife having not cohabited since 2014 when cohabitation ceased.

This is the Order Nisi of this Court made today the 22nd day of February, 2022.

If after 90 days from today the parties do not get back to each other or end conjugate, this Order Nisi SHALL automatically be made ABSOLUTE.

This is the Judgment of this Court.

Delivered today the ___ day of _____ 2022 by me.

K.N. OGBONNAYA
HON. JUDGE