

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON TUESDAY, THE 1ST DAY OF MARCH, 2022

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

JUDGE

PETITION NO. PET/214/21

BETWEEN:

MRS. OBIOMA OKOLO.....PETITIONER

AND

MR. OBIDIKE OKOLO.....RESPONDENT

BENCH JUDGMENT

In this application checkered petition for dissolution of marriage between Obioma Okolo and Obidike Okolo celebrated on the 12/4/18 at the AMAC Registry in Abuja.

On the 17/6/19 just a year and 2 months the Petitioner packed out of the matrimonial home stating that the marriage had broken down irretrievably and that she is not expected and will not want to continue with the co-habitation and conjugal rights of the marriage.

Barely 2 years after the marriage was contracted, specifically on the 29/6/21, she – Obioma Okolo filed a Petition before this Court seeking for Order to dissolve the marriage and to have custody of the only child of the marriage.

Dikesinachi Kamsiyochukwu Okolo who was born on the 30/5/19. This means that the child was only a few months old when the Respondent packed out of the house. Since then the child has been in the custody of the Petitioner till date.

The Respondent had in his answer and testimony shown that he had made several attempts to ensure that the marriage works. He had voiced his concerns in his answer and cross petition. Importantly he had informed Court that since the Petitioner left the matrimonial house, he had ever sent initially ₦20,000.00 Naira every month and most recently ₦23,000.00 Naira per month according to his financial capacity. He had lament bitterly that the Respondent never allowed him access to the child and had insisted he will not see the child until the Court gave Order for her to allow the Respondent access to the child. She obeyed the Order.

Meanwhile the parties are professionals-Economist and Barrister at Law. Yet they cannot make their marriage work Respondent has complained of parental interference by the parents of the Petitioner.

The Petitioner had noted that all efforts to connect Respondent to meaningful business has been unappreciated among other things.

This Court counseled the parties extensively to see reason to get back to each other. They both refused and wanted to go on with the dissolution. This Court had allowed them both to testify fully as can be seen from the record of proceeding.

But the Court has no Judicial power to force them continue with the marriage which obviously had broken down irretrievably. Particularly as both are ad idem with the issue of dissolution.

This Court have adopted both the Answer and Cross Petition as well as the Petition and Reply, and hereby dissolves the said marriage contracted between the parties based on the grounds of desertion, severance of conjugal right among other things as enumerated in Petition, Answer and Cross Petition, since it is obvious the couple cannot live together with each other.

That is the Order Nisi of this Court.

On the issue of custody and maintenance, the Petitioner wants the Respondent to only have access to the child 6 times a year-1 day visit every 2 months of the year. That means that the Petitioner expected the Respondent to only see the Child 6 days in a year

on days agreed by the parties with the close supervision of the Petitioner until the child becomes an adult. This means that given the fact that the child is 2 years only, the Respondent can only visit him for 6 days X 16 years 16x6 = 96 days in 16 years.

That means that the Respondent is to see the child for only 96 days in 16 years. She also wants the mandatory Order of this Court for her to retain and maintain custody of the child until he becomes an adult.

On maintenance the Petitioner want feeding per month = ₦30, 000

Clothing = ₦ 17, 200

School fees = ₦480, 000

..... = ₦20, 000

Meanwhile the Petitioner works as an Economist with the Central Bank Nigeria. Again the issue of school fees is not constant. The Respondent does not even know the name of the school where the ₦480, 000 should be paid per term.

Again nobody knows about what the fees will be in primary, secondary and university. On his part, the Respondent wants the child to be with Petitioner during school year but with him during holidays.

He wants to maintain the child as initially agreed on education and welfare and not an unilateral application by the Petitioner.

He wants access to the child on weekends and public Holidays and school vacations.

He wants dissolution because the marriage has broken down irretrievably and based on desertion and intolerable behavior of the Petitioner. This Court had ordered parties to address it on the issue of child custody and have, after hearing from both parties, hereby Order as follows:

There should be joint custody of the child with him. The child should be in custody of the Petitioner because of his age but the Respondent shall have access to the child every weekend in the presence of the Petitioner.

During the holidays the child should spend the weekend with the Respondent by Respondent picking him on Saturday morning and dropping him back in the evening at 6pm until he is 10 years.

On the issue covering maintenance the parties should agree on the school fees, etc and feeding. The school fees should be paid on 60-40 basis. The Respondent paying 60% while Petitioner pay 40%. The Respondent to also raise the maintenance fee to ₦40, 000 per month instead of the ₦23, 000 he pays.

After all the feeding is on the head of the Petitioner so also the accommodation. Again there is no monetary quantification for the care given by mother and the sleepless night too.

In the final analysis the parties should be flexible as the circumstance of the situation permits.

This is the Judgment of this Court delivered today theday of2022 by me.

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K.N.OGBONNAYA
HON. JUDGE