

**IN THE HIGH COURT OF JUSTICE OF THE  
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/170/2020**

**BETWEEN:**

**MICHAEL PREYE BUNUJU.....PETITIONER**

**VS**

**PRECIOUS OSARHIEMEN BUNUJU.....RESPONDENT**

**JUDGMENT**

The Petitioner filed this Petition on 5/2/2020 praying for dissolution of the marriage entered on 26/11/2011. The Petition was served on the Respondent by substituted means, by pasting at the Respondent's last known address being No. 70 Okunwagie Street, off Sakponba Road Benin City Edo State pursuant to Order of Court made on 30/9/2020.

Upon receipt of the Petition, Respondent filed through her Counsel her Answer and Cross Petition to the Petition on 16/12/2020 seeking the court to dissolve the marriage.

Petitioner testified as PW1 and gave evidence adopting his witness deposition filed on 5/7/2021 admitted as Exhibit "A". The marriage certificate issued by St. Paul Catholic Church, Airport Road Benin City Edo State, evidencing the marriage celebrated on 26/11/2011 between the

Petitioner and the Respondent was tendered and admitted in evidence as Exhibit "B". While giving evidence PW1 tendered the marriage licence issued at St. Paul Catholic Church Benin City by Oredo Local Govt Area to conduct marriage between the Petitioner and the Respondent at the Church was admitted as Exhibit "C".

PW1 – the Petitioner also informed the court that the parties filed Terms of Settlement and the court admitted the said Terms of Settlement filed on 12/1/2022 made between the Petitioner and the Respondent as Exhibit "D".

Finally, PW1 told the court that he wants the court to adopt the Terms of Settlement – Exhibit "D" as Judgment of the court.

Respondent's Counsel informed the court that having filed Terms of Settlement they do not intend to cross-examine the PW1 – Petitioner and not opposed to the Terms.

Consequent upon the evidence of PW1 – Petitioner which remained unchallenged and uncontroverted and the Exhibit "B" and the Terms of Settlement Exhibit "D", the court finds that the parties have so agreed, who are both consenting adults, would be improper to refuse their request. Accordingly, the marriage contracted on 26/11/2011 at St. Paul's Catholic Church Airport Road Benin City Edo State under the Marriage Act, between the Petitioner - Michael Preye Bunuju and the Respondent - Precious Osarhiemen Bunuju, is hereby dissolved and a Decree Nisi entered and shall become absolute after three (3) months from today. Also the Terms of

Settlement filed on 12/1/2022 is hereby entered as the Consent Judgment of the parties in this Suit I so hold.

**TERMS OF SETTLEMENT**

**WHEREAS** the Petitioner Commenced these proceedings vide a Petition dated 24 January, 2020 and filed on the 5<sup>th</sup> February, 2021 wherein he claimed the following reliefs;

- (a) A Decree of Dissolution of the Marriage between the Petitioner and the Respondent, celebrated at St. Paul's Catholic Church, Airport Road, Benin City and Oredo Local Government Marriage Registry on the 26<sup>th</sup> day of November 2011, same having broken down irretrievably.
- (b) An Order of Perpetual Injunction, restraining the Respondent from further insulting harassing or embarrassing the Petitioner and his family.
- (c) An Order of custody of Michael Tamaradenyefa Bunuju, born on the 28<sup>th</sup> June, 2012 be given to the Petitioner.
- (d) An Order of Perpetual Injunction, restraining the Respondent not to invade into the privacy of the Petitioner by hacking the e-mail accounts, social media accounts, telephones, tablets and other internet enabled devices of the Petitioner either for the purpose of eavesdropping, intercepting, distorting, stealing information or howsoever.

While the Respondent vide a Cross-Petition dated 26<sup>th</sup> November, 2020 and filed 16<sup>th</sup> December 2020 sought the following reliefs from this Honourable Court, to Wit:

- (a) A Decree of Dissolution of the marriage between the Cross-Petitioner and the Petitioner/Respondent on the following grounds;
  - i. Intolerability and cruelty.
  - ii. Desertion.
  - iii. Denial of conjugal rights.
  - iv. Adultery.
- (b) An Order of this Honourable Court granting sole custody of the child of the marriage – Michael Tamaradenyefa Bunuju to the Cross-Petitioner/Respondent as the lifestyle of the Petitioner/Respondent is not proper for the upbringing of a child.
- (c) An Order of the Honourable Court for the Petitioner/Respondent to pay the sum of ₦100,000.00 for the upkeep of the child of the marriage, ₦300,000.00 as rent for accommodation for the child of the marriage in a year and ₦172,400 per term as school fee for the child of the marriage.
- (d) Any other Order or further orders as this Honourable Court may deem fit to make in the circumstances of this case.

## **SETTLEMENT**

The parties having discussed with each other, have agreed to resolve the issue between them in the manner below and adopt same as the Judgment of this Honourable Court, to Wit:

- (a) That the marriage between the Petitioner and the Respondent, celebrated at St. Paul's Catholic Church, Airport Road, Benin City and Oredo Local Government Marriage Registry on the 26<sup>th</sup> day of November 2011, be dissolved, same having broken down irretrievably.
- (b) That the Respondent shall take custody of (Michael Tamaradenyefa Bunuju) the child of the marriage.
- (c) That the Petitioner shall have unhindered and unrestricted access to the child of the marriage.
- (d) That the child of the marriage shall not be taken outside the shores of Nigeria without the prior consent and approval of the Petitioner.
- (e) That the Petitioner shall pay all school fees and sundry fees of the child of the marriage into the school accounts that the child would attend, and the fees shall not exceed a total sum of ₦120,000.00 at the Primary Level, and ₦150,000.00 at the Secondary Level.
- (f) That both the Petitioner and the Respondent are to jointly agree on the schools the child of the marriage is to attend at every material time.

- (g) That the Petitioner shall pay to the Respondent the sum of ~~₦~~30,000.00 Monthly as the maintenance allowance of the child of the marriage. That any further payment and or upward review shall be discussed as agreed upon by both parties.
- (h) That the child would be allowed by the Respondent to go on outing and shopping with the Petitioner within Nigeria at all material time.
- (i) The child would be allowed by the Respondent to go on short and long holidays with the Petitioner within the country.

**HON. JUSTICE O. C. AGBAZA**

Presiding Judge

6/4/2022

**Appearance**

THOMAS OGBEGBOR FOR THE PETITIONER

ABUBAKAR ANIMIOKHALI FOR THE RESPONDENT