

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON WEDNESDAY THE 13TH DAY OF APRIL, 2022

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

SUIT NO.: FCT/HC/PET/19/2021

BETWEEN:

SAMUEL GORDON EMENOGU

-----}

PETITIONER

AND

JULIE OJOR OSIGBEMEH

-----]

RESPONDENT

BENCH JUDGMENT

On the 16th day of June, 2021 the Petitioner, Samuel Gordon Emenogu filed this Petition seeking the dissolution of the marriage between him and the Respondent, Julie Ojor Osigbemeh. The marriage was contracted on the 11th of August, 2013. It is blessed with a child named Robin Amarachukwu Gordon. He was born on the 11th of March, 2015. The boy has been in the custody of the Respondent till date.

According to the Petitioner, the marriage has broken down irretrievably and the Petitioner is not expected to continue living with the Respondent.

According to both parties, they have lived apart for over Six (6) years.

The Respondent had answered the Petition and had filed a Cross-Petition stating that the marriage has broken down irretrievably and she is not expected to continue to live with the Petitioner. She has also asked for its dissolution.

The Court had ordered that since both parties are ad idem on dissolution of the marriage that it will adopt their respective Petition and Answer and Cross-Petition as if they have both presented their respective cases. Their Counsel had equally asked Court to make Order Nisi since they are ad idem with the dissolution of the marriage.

This Court had listened to both parties and had asked them if they are still interested in the marriage. Their respective answer had shown that they are no longer interested to live as husband and wife.

The Court had asked them to address it on issue of custody of the only child of the marriage. The Petitioner wants a shared custody in that he should spend at least One (1) weekend with his son every month. The Respondent has no objection to that. But she had stated that she will want to know the address of the place where they take her son to on any day the Petitioner wants to see

him. Again, she wants the Petitioner to pick the boy himself or where he is sending anyone that he should let her know the person who will be coming to pick the boy. She is also ready to drop and pick the boy if need be. The Petitioner had stated that he does not want to disclose the address because the Respondent has a tendency to create ugly scene. That he is ready to pick the boy from his family house.

On the pecuniary plan, the Petitioner stated that he will continue paying the Twenty Thousand Naira (₦20, 000.00) monthly allowance which he had been paying all these years. He is also ready to pay the One Hundred Thousand Naira (₦100, 000.00) or more as the case may be. He promised to increase the allowance since Covid Pandemic restriction has reduced. The Petitioner also wants to spend some part of the holidays with the boy. He had consented to the Respondent taking the child to United Kingdom for her graduation which is coming up in July 13th – 15th, 2022. He will stay till end of July before coming back.

After all the above listed, this Court hereby Order as follows:

- 1. That there is going to be a joint custody of the child by both Petitioner and Respondent.**
- 2. The boy shall spend school days with Respondent.**

- 3. The child shall spend two (2) weekend (i.e. First and Fourth weekend) monthly with the Petitioner starting from Friday till Sunday afternoon.**
- 4. The Petitioner shall spend half of the holiday period with the child while the Respondent shall spend the other half with the child.**
- 5. The Petitioner shall continue to pay the Twenty Thousand Naira (₦20, 000.00) per month as he had done and if his economy improves, he shall increase the said allowance. He should also provide clothing according to his means and may buy food stuff if the need arises.**

The Petitioner and Respondent shall have joint plan as to school choice and other affairs of the boy. The Petitioner shall have access to the school where the boy attends and shall also visit the school on school open days.

Since it is obvious that the marriage has broken down irretrievably and both parties are ad idem with the dissolution of the marriage, having lived apart for over 6 years, this Court hereby DISSOLVES the said marriage between the Petitioner – Samuel Gordon Emenogu and the Respondent – Julie Ojor Osigbemeh contracted on the 1st of August, 2013.

This is the Order Nisi of this Court made today the 13th day of April, 2022.

If after Ninety (90) days from today the parties did not come back together as couple, 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