

IN THE HIGH COURT OF JUSTICE
IN THE FEDERAL CAPITAL TERRITORY, ABUJA
HOLDEN AT ZONE 2, ABUJA
ON THURSDAY, 2ND DAY OF JUNE, 2022

BEFORE HON. JUSTICE NJIDEKA K. NWOSU-IHEME

SUIT NO.FCT/HC/PET/176/2022

BETWEEN

CLEMENTINA NEBO

PETITIONER

AND

CONSTANTINE AMAOBI

RESPONDENT

JUDGMENT

The Petitioner, Clementina Nebo, commenced divorce proceedings against her husband, Constantine Amaobi, the Respondent, by a Petition filed on the 30th day of March 2022, seeking the following relief:

- a. A decree of nullification of the void marriage between the Petitioner and the Respondent on the ground that the marriage was not validly contracted, in that the former marriage between the Petitioner and Late Mr Jude Nebo was not dissolved by a court of competent jurisdiction before the marriage with the Respondent was contracted.**

During trial, the petitioner tendered the following documents which were admitted in evidence as follows:

- 1. The marriage certificate dated 12th February 2018, between Constantine Amaobi Igwe and Clementina Ifeoma Nebo, which was entered in evidence as Exhibit P1.**
- 2. The marriage certificate dated 1st September 1990, between Jude Chikwado Nebo and Clementina Ifeoma Enenwali, which was entered in evidence as Exhibit P2**
- 3. The execution of sentence C.1650 dated 9th May, 2016 by Inter-Diocesan Tribunal, Enugu, which was entered in evidence as Exhibit P3**
- 4. Certificate of divorce between Clementina Ifeoma Nebo and Jude Chikwado Nebo, dated 22nd August 2017, which was entered in evidence as Exhibit P4**
- 5. Certificate of death of Nebo Jude, dated 24th October 2019, which was entered in evidence as Exhibit P5**

The respondent's counsel having stated that he was not cross-examining the petitioner was therefore foreclosed from cross-examining the petitioner and case of the petitioner was closed, case of the respondent was closed.

I am satisfied that the petitioner has been able to prove her case to entitle her to judgement in this suit, her depositions having remained unchallenged and uncontroverted. See, **STANLEY K. I. OKONKWO v ANTHONY EZEONU & ORS (2017) LPELR – 427885 (CA).**

The petitioner and respondent being in agreement in respect of this petition, I hereby make the following declaration:

- 1. I hereby nullify the void marriage between the Petitioner and the Respondent, on the ground that the marriage was not validly contracted, in that the former marriage between the petitioner and Late Mr. Jude Nebo was not dissolved by a court of competent jurisdiction before the marriage with the Respondent was contracted.**

HON. JUSTICE NJIDEKA K. NWOSUIHEME
[JUDGE]

Appearance of Counsel:

1. I. C. Nworgu for the Petitioner
2. F. C. Ugwu for the Respondent