

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT BWARI**

**CLERK: CHARITY ONUZULIKE
COURT NO. 10**

**SUIT NO: FCT/HC/BW/PET/45/21
DATE: 14/7/22**

BETWEEN:

ISRAEL AKPOVOKE.....PETITIONER

AND

RACHAEL AISHA RETZE AKPOVOKE..... RESPONDENT

**JUDGMENT
(DELIVERED BY HON. JUSTICE S. B. BELGORE)**

In this case for petition of dissolution of marriage, the orders sought are:

- (1) A decree of dissolution of the marriage between the Petitioner and the Respondent which said marriage was contracted on 23rd November, 2016 at the Marriage Registry, FCT Abuja, the marriage have broken down irretrievably, the Petitioner and Respondent haven lived apart since the 3rd of May, 2019.
- (2) An order for custody of the only child of the marriage – Pearl Okeoghene Akpovoke, female till she attains the age of maturity.
- (3) Order for the conduct of DNA of the child.
- (4) Order that the name Pearl Okeoghene Akpovoke be maintained if the DNA is positive

- (5) An order mandating the Petitioner to take major decisions on the child as against any grand parent or sister of the Respondent.
- (6) An order for such further order or other orders as this Court may deem fit to make in the circumstances of this case.

The parties are Israel Akpovoke, the Petitioner while the Respondent/wife is Rachael Aisha Retzie Akpovoke. They got married on 26/1/2016 at the Marriage Registry Abuja under the Marriage Act. They had earlier undertake a customary marriage rite and had a celebration at the Redeemed Christian Church of God, Jos, Plateau State on the 12/11/2016.

They both lived together thereafter until but ended the cohabitation on ground of irreconcilable different. The marriage is blessed with one female child by name PEARL OKEOGHENE AKPOVOKE who was born on 10th March, 2018. The grounds for this petitions are as follows: (See paragraphs (1) a, b, and c.

- (a) **The Respondent is deceitful, dishonest and fond of telling lies.**
 - (i) Before the marriage between the Petitioner and the Respondent, the Respondent told the Petitioner that she was in her final year studying Mass Communication in the University of Jos.
 - (ii) Two weeks after the celebration of the marriage, the Petitioner and the Respondent had course to visit the Respondent's Department in the University of Jos with a view to getting approval exempting the Respondent from lectures within the period in question.

- (iii) During that visit to the Coordinator of the Respondent's Department, the Coordinator asked the Respondent of her level.
- (iv) The Respondent in order not to allow the Petitioner know her actual level, decided to respond in Hausa Language.
- (v) The Coordinator, was worried why the Respondent chose to answer in Hausa language and insisted the Respondent spoke in English language.
- (vi) It was then that the Respondent stated that she is in 100 level i.e. year one.

(b) The Respondent is selfish and conceited to a fault.

- (i) The Respondent concealed the fact that she is a drug addict and given to high level of consumption of alcohol.
- (ii) Within 2 months of the marriage, the Petitioner observed unusual behaviour of the Respondent as one who is addicted to drugs and confronted the Respondent with it and the Respondent promptly denied it.
- (iii) Such signs of a drug addict is being violent at any given time and a strange show of energy and strength at the slightest provocation or quarrel which lasts for hours and penchant hunger for codeine.
- (iv) The Respondent was therefore taken to the Federal Medical Centre, Jabi, Abuja on the 20th

January, 2017 where the Respondent's urine sample was taken and the DOA Testing/Toxicology Report showed that the Respondent is positive for cannabis, opiates, Methadons, Tricyclic Antidepressants and oxycodone. The Respondent's Hospital Card and the D.O.A Testing/Toxicology Report shall be relied upon during trial and is hereby pleaded.

- (v) Again on the 22nd January, 2017, the Respondent was taken to Netwealth Consult Ltd at opposite Mining Quarters, State Low Cost Rantya, Jos, Plateau State where the Respondent was equally found to have excessively used Cannabis and Codeine for more than 3 years and 2 months respectively, which has already reached dependence level and has affected her schooling and relationships with her significant others i.e. (Husband, and Parents) with consequence of inability of controlling her anger as well as her communication pattern with symptoms of depressive illness.
- (vi) The Respondent was admitted between the 22nd January, 2017 to the 10th April, 2017. The medical Report from Netwealth consult Ltd is hereby pleaded in evidence.
- (vii) The Respondent's life in drug caused the loss of the Petitioner and Respondent's first pregnancy.
- (viii) It took serious effort from the Consultant Psychiatrist for the survival of the Petitioner/Respondent's only child as she continued her drug addiction of smoking marijuana on the pregnancy even after her

discharge from the Drug Rehabilitation Centre and relocation to be with her husband in Abuja.

(c) **Violence**

- (i) The Respondent is given to violence from the influence of the drugs she often consumes.
- (ii) In one occasion, the Respondent opened the door of a moving car driven by the Petitioner on a busy highway in Jos and threatened to jump out of the car, while heavily pregnant.
- (iii) In another occasion, the Respondent threatened to stab herself with a knife in the house, over a minor misunderstanding, until the Petitioner forcefully removed the knife from her.
- (iv) The Respondent often threatens to take the life of the Petitioner and she indeed attempted to do so several times.
- (v) Sometimes, during a dispute, the Respondent would carry tender baby and would deny the baby breast-milk and deny the Petitioner access to the baby, even when the baby cried profusely for care and breast – feeding.
- (vi) With the connivance by her family, the Respondent goes out on marijuana smoking spree that the Petitioner cannot control in Abuja.
- (vii) In spite of the marriage, the Respondent is still answerable to her parents and relations at the detriment of the Petitioner and the marriage.

On the 18/1/22, when the case came up in Court had adjourned to 13/4/22 for hearing. The Court could not sit on that day, hence today's date for hearing. Now, a few minutes ago, learned Counsel to the Petitioner – Mr. Osita Anene – informed the Court that parties have settled. Meaning the petition is not challenged and consequently parties have filed terms of settlement. Learned Counsel urged me to adopt it as the judgment of this Court.

Mr. E. K. Oti holding the brief of Mr. Augustine Onyiwana for the Respondent was similarly inclined. He too confirmed the fact of settlement and urged me to give effect to the terms of settlement filed as the judgment of this Court.

I have adverted to the Terms of Settlement filed. It is dated 26/5/2022 and filed same day. It is also signed by both parties and their Counsel. The terms and conditions of the settlement are as follows:

- (a) That the Petitioner and the Respondent are *ad idem* on the issue of dissolution of the marriage between them which was contracted on the 23rd day of November, 2016 at the Federal Capital Territory Marriage Registry, Abuja.
- (b) That the marriage has broken down irretrievably
- (c) That the marriage is hereby dissolved
- (d) That the Petitioner requested to take custody of the only child of the marriage immediately she turned six (6) years to enable him lay a better and early foundation for her future and career in Canada.
- (e) That the Respondent and her parents refused, insisting that it must be at the age of ten (10) to enable her learn their language and culture.

- (f) That the Petitioner is therefore being compelled to accept custody of the only child of the marriage at the age of ten (10). Provided the custody of PEARL OKEOGHENE AKPOVOKE will not be taken from the Respondent and given to a third party.
- (g) That the Respondent shall take every necessary step to revert to the original name of their only child of the marriage, PEARL OKEOGHENE AKPOVOKE at school and in other official documents.
- (h) That the Petitioner shall continue the maintenance of PEARL OKEOGHENE AKPOVOKE at all times.
- (i) That the Petitioner shall have unfettered access to PEARL OKEOGHENE AKPOVOKE, being the only child of the marriage at all times including phone communication with her, e-mail and visiting her any time the Petitioner comes to Nigeria at a neutral place without any harassment from the Respondent or anybody from her.
- (j) That the Respondent shall have unfettered access to PEARL OKEOGHENE AKPOVOKE, being the only child of the marriage at all times including phone communication with her, e-mail and visiting her to follow-up her well being. Provided that the Respondent shall bear the cost of such visit.

Consequently, I have no hesitation in adopting the above terms and conditions as the consent judgment of this Court and I so do.

Signed
Suleiman Belgore
(Judge) 14/7/22