

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

BEFORE HIS LORDSHIP: HON. JUSTICE MUHAMMAD S. IDRIS

COURT: 28

DATE: 15TH FEBRUARY, 2023

BETWEEN

FCT/HC/PET/537/2022

IRENE CHINWENDU OKERE-----

PETITIONER

AND

BETHRAN OLUCHUKWU OGUIKE-----

RESPONDENT

JUDGMENT

The Petitioner as contained in her petition dated and filed on the 4th day of October, 2022 sought before the Court for the following orders:-

1. A decree of dissolution of the marriage between her and the Respondent.
2. Custody of the child of the marriage pending when she becomes mature and of age to take decisions for herself.
3. Undertaking for welfare and maintenance of the only child of the marriage as per her medical bills, education and upkeep by the Respondent.

The respondent file an answer to the petition dated and filed on the 11th day of November, 2022, when the matter came up for hearing on

the 15th February, 2023 both parties were represented by Counsel in Court the petitioner testified as PW1 where she testified before the Court that she and the Respondent have been living apart for 4 years, petitioner tendered before the Court photocopy of their marriage certificate which was received and marked as exhibit 1 and that the marriage has produced a child, 4 years of age by name Michelle Ugochi Oguike.

The Petitioner as PW1 informed the Court that parties have settled out of Court and they have filed same and she adopted same before the Court, Counsel to the Respondent re-affirmed the submission of the Petitioner.

Learned Counsel for the petitioner and the Respondent applied that the terms of settlement adopted be entered as consent judgment, the terms of settlement as mutually agreed by the parties are in the following terms:-

1. That an order for "Dissolution of Marriage" between the petitioner and the Respondent be made absolute on the ground that the union had broken down irretrievably and as such, the parties cannot reasonably be expected to live as husband and wife.
2. That the custody of the issue/child of the marriage, Michelle Ugochi Oguike (4 Years old) shall be awarded in favour of the Respondent.
3. That the child of the marriage shall live and remain in the Respondent's house/care situated Opposite Sabana Clinic, Federal Lowcost, Gombe State and not with anyone else until she becomes an adult to take decisions for herself. However, where for any reason there arise any need/circumstance making it practically impossible for the child to live together with the Respondent in the same

house, the written consent of the petitioner shall first be sought and obtained before taking her to a third party.

4. That the Respondent undertakes to single handedly cater for the welfare and wellbeing, security and total development of the child until she becomes an adult.
5. That the petitioner shall be entitled to full reimbursement of the sum paid by her as school fees for the 2nd Term Academic Session of 2022/2023 Calendar amounting to N45,000.00 (Forty – Five Thousand Naira) only.
6. That the petitioner shall travel along with the child to Abuja to meet with the Respondent on the 28th April, 2023 and shall lodge with the child till 30th April, 2023 during which transfer of custody shall take place.
7. That the burden for arrangements of lodging, feeding during transfer of custody shall be borne by the Respondent.
8. That the Petitioner shall be entitled to an unrestricted access to the child. However, the Petitioner shall put the respondent on a proper notice for at least, one week before the intended time of such visits.
9. That the Respondent shall be responsible for the provision of her transportation fare and lodging for at most, Four (4) times of such visits within a 12- calendar month (one Year)
10. That the child shall spend every 3rd terms holiday of the year with the petitioner. Note, the Respondent shall bring the child to Holy Rosary Catholic Church, Wuse Zone 2, Abuja where the Petitioner would Take/pick her up and shall also, return the child to the same venue, Holy Rosary Catholic Church, Wuse Zone 2, Abuja after the holiday period for the Respondent to take her back to base.

The above terms were duly executed by the parties in the matter and their witnesses, where parties settle and then prepare terms of settlement which they embody in a document and apply to Court for same to be entered as consent judgment in the action. The duty of the Court at that point is limited to give effect to the express intention of parties as embodied in the filed terms of settlement.

Accordingly, the marriage between the Petitioner and the Respondent solemnized at Municipal Marriage Registry, Gombe State on the 11th day of January , 2018 is hereby dissolved, the terms of settlement dated and filed on the 7th day of February,2023, duly executed by parties and their witnesses is hereby entered as consent judgment

**HON. JUSTICE M.S IDRIS
(PRESIDING JUDGE)**

Appearances

R.A Okorie:- For the Petitioner

Remi Umehaa:-For the Respondent.