

**IN THE HIGH COURT OF JUSTICE OF THE F. C. T.**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDING AT APO, ABUJA**  
**ON TUESDAY, THE 21<sup>ST</sup> DAY OF FEBRUARY, 2023**  
**BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA**  
**JUDGE**

**SUIT NO: FCT/HC/PET/364/2019**

**BETWEEN:**

**LOTANNA LINUS ANOLUE**

**PETITIONER**

**AND:**

**ONYINYE ELIZABETH LOTANNA**

**RESPONDENT**

**CONSENT JUDGMENT**

**J. A. Abba Esq.:** appears for the Petitioner who is present in Court.

**Martin Odey Esq. with M. D. Anyam, Esq.:** appears for the Respondent. We apologise for the Respondent's absence.

**Counsel for the Petitioner:** The matter is for continuation of hearing. However, parties have filed a terms of settlement in respect of the ancillary issues and we seek to adopt same. It is dated the 20/02/2023 and filed same date. We humbly urge the Honourable Court to grant same.

**Counsel for the Respondent:** That is the position. We humbly urge the Court to grant our prayers.

**COURT:** By a Petition for a Decree of Dissolution of Marriage dated the 4<sup>th</sup> of September, 2019 and filed on the 6<sup>th</sup> of September, 2019, the Petitioner sought the following reliefs from this Court:-

1. *A Decree of Dissolution of Marriage celebrated at the Abuja Municipal Area Council, Abuja on the 4<sup>th</sup> day of December, 2012, under the Marriage Act on the ground that the marriage has broken down irretrievably because:-*
  - a. *Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent, the marriage being characterised by needless and avoidable quarrels and fighting all occasioned by the Respondent.*
2. *An Order granting the Petitioner the custody of the children of the marriage because the children are currently resident with the Petitioner without any opposition from the Respondent.*

The Respondent, after obtaining leave to file her processes out of time, did file her Answer/Cross-Petition on the 11<sup>th</sup> of September, 2020 wherein she sought the following reliefs:-

- a. *An Order of Court vesting the custody of their two children which is (sic) Sochima Jesse Anolue born July2, 2011 (M) and Chikamso Mary-Chloe Anolue born August 2, 2013 (F) on the Respondent with full access and visitation rights given to the Petitioner.*
- b. *An Order of Court declaring that the Marriage celebrated between the Petitioner and the Respondent on the 4<sup>th</sup> day of December, 2012 at the AMAC Registry has broken down irretrievably.*
- c. *An Order of Court directing the Petitioner to pay for the school fees, upkeep and maintenance of the two children of the marriage as the Respondent does not desire any form of maintenance or upkeep from the Petitioner.*

Today, the parties have informed the Court that they have reached agreement on the ancillary reliefs sought in both the Petition and the Cross-Petition. The Terms of Settlement filed by the parties is reproduced verbatim hereunder:-

## **TERMS OF SETTLEMENT**

### **WHEREAS**

I. The Petitioner commenced this action against the Respondent seeking the following:-

1. A Decree of Dissolution of Marriage celebrated at the Abuja Municipal Area Council, Abuja on the 4<sup>th</sup> day of December, 2012, under the Marriage Act on the ground that the marriage has broken down irretrievably because:-

a. Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent, the marriage being characterised by needless and avoidable quarrels and fighting all occasioned by the Respondent.

2. An Order granting the Petitioner the custody of the children of the marriage because the children are currently resident with the Petitioner without any opposition from the Respondent.

### **AND WHEREAS:**

The Respondent upon being served this Petition cross-petitioned as follows:-

- a. An Order of Court vesting the custody of their two children which is Sochima Jesse Anolue born July 2, 2011 (M) and Chikamso Mary-Chloe Anolue born August 2, 2013 (F) on the Respondent with full access and visitation rights given to the Petitioner.
- b. An Order of Court declaring that the Marriage celebrated between the Petitioner and the Respondent on the 4<sup>th</sup> day of December, 2012 at the AMAC registry has broken down irretrievably.
- c. An Order of Court directing the Petitioner to pay for the school fees, upkeep and maintenance of the two children of the marriage as the Respondent does not desire any form of maintenance or upkeep from the Petitioner.

**WHEREFORE Parties have hereby conscientiously agreed, in the interest of the children, on the terms below to be full and final settlement of the dispute:**

1. That the Petitioner and the Respondent shall have joint custody with the Petitioner being entitled to the custody of the children of the marriage – Sochima Jesse Anolue and Chikamso Mary-Chloe Anolue; while the Respondent shall have full access to telephone calls at the agreed time being 3pm Nigerian time each Saturday.
2. That the Petitioner shall be responsible for the education of Sochima Jesse Anolue and Chikamso Mary-Chloe Anolue up to the completion of first degree. That a special account shall be opened for this purpose by the Petitioner.

3. That the Petitioner shall be responsible for the overall wellbeing, healthcare, maintenance, medications and all other necessities suitable for the entire wellbeing of the children and jointly with the Respondent will cover clothing and other accessories up till graduation from the university.
4. That the Petitioner shall determine the schools to be attended by Sochima Jesse Anolue and Chikamso Mary-Chloe Anolue up to the completion of first degree.
5. The Respondent shall have custody of her children during the first term holiday, being Christmas holiday in December and Easter vacation depending on the school calendar.
6. The Respondent shall always state clearly the residential addresses of the children of the marriage when on holiday and shall provide the Petitioner with full travel itinerary on each trip.
7. The Petitioner shall provide the data pages of the international passports of the children to assist in the commencement of the process of applying for their travel documents.
8. That the Petitioner will grant consent on travel arrangements by the Respondent.
9. That parties hereby adopt this Terms of Settlement as full and final settlement of the claims and counter-claims of the suit before this Honourable Court.

Parties and their Counsel executed the Terms of Settlement on the 20<sup>th</sup> of February, 2023. The Terms of Settlement was filed on the same date.

**COURT**

The Terms of Settlement dated and filed on the 20<sup>th</sup> of February, 2023 which was signed by both parties and adopted by their respective Counsel is hereby granted as per the terms as contained on the Memorandum of Settlement and the Order Nisi starts counting from today.

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**HON. JUSTICE A. H. MUSA**  
**JUDGE**  
**21/02/2023**

**APPEARANCES:**  
**FOR THE PETITIONER:**

**J. A. Abah Esq.**

**FOR THE RESPONDENT:**

**Martin Odey Esq.**  
**M. D. Anyam, Esq.**