

IN THE HIGH COURT OF JUSTICE
FEDERAL CAPITAL TERRITORY OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO – ABUJA
ON, 26TH DAY OF APRIL, 2023.
BEFORE HIS LORDSHIP:- HON. JUSTICE A. O. OTALUKA.

PETITION NO.:-PET/20/2022

BETWEEN:

NNENNA IJEOMA ONYERIONWU:.....PETITIONER

AND

IHECHUKWU BRIGHT ONYERIONWU:.....RESPONDENT

Oladokun Ibitoye for the Petitioner.
Jeremiah I. Ozuruonye for the Respondent.

JUDGMENT.

The Petitioner by this suit, petitioned this Court for the dissolution of her marriage to the Respondent, contracted on the 28th day of August, 2011, on the ground that same has broken down irretrievably, given the fact that since the marriage, the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent.

Stating the facts that necessitated the filing of this petition in her witness statement on oath, the Petitioner averred that the Respondent has been verbally abusive, physically assaulting and violent towards her. That in several occasions, the Respondent inflicted bodily injuries on her and that she once lost her pregnancy due to the violent attack by the Respondent.

The Petitioner averred that after an incident in 2018 when the Respondent pushed her down while she was carrying her last

child amidst verbal insults on her person and her parents, she left the house to her parents' house for over two weeks. That following much pleadings by their pastors and the Respondent that such will never repeat itself again, she moved back to her matrimonial home. But barely two months after, the Respondent resumed his verbal abuse and assault; taunting her that he did not ask her to come back to his house.

She averred that when the violence and abuses against her by the Respondent became unbearable and the threat to her life by the Respondent was becoming a reality, she moved out of her matrimonial home with the three children of the marriage, on 2nd August, 2020 to save her life. That since then, she and the Respondent has been living apart.

The Petitioner further averred that most of the verbal abuses and assault she suffered were in the presence of the children, and that the three children of the marriage are currently living with her. That since 2nd August, 2020, she has solely accommodated the children, caring for the welfare and maintenance, and that the children enjoyed medical benefits attached to her National Health Insurance Policy as a Civil Servant.

She stated that the Respondent has since stopped the initial allowance he made available for the education of the children, but that the children are enrolled and are attending school without hindrance.

Also, that the children lives happily with her at her residence where she will impart good moral teaching and upbringing of the children, free from toxic marital environment created by the Respondent.

Furthermore, that she is a Civil Servant with structured working hours suitable to meet the needs of the children, while the Respondent is a business man who does not stay at home. That the children are minors and still at their infancy, requiring motherly care and attention, and will suffer if allowed to be with the Respondent.

The Petitioner thus prayed the Court for the following orders:

- a. A decree of dissolution of marriage between the Petitioner and the Respondent on the ground that the marriage has broken down irretrievably.
- b. An order granting full custody of the children of the marriage to the Petitioner with reasonable right of access to the Respondent.
- c. An order that the Respondent pays the sum of N200,000.00 (Two Hundred Thousand Naira) per month as maintenance and upkeep allowance of the children of the marriage.
- d. An order that the Respondent shall be responsible for the payment of the school fees and medical bills of the children which are not covered under the NHIS of the Petitioner.
- e. And for such further order or orders as the honourable Court may deem fit to make in the circumstances.

In response to the Respondent's Answer/Cross-Petition, the Petitioner filed a Reply wherein she averred that she is a responsible woman that carries out her domestic and motherly roles at home.

She averred that contrary to the allegation in paragraph 1(d) of the cross petition, that the children have continued to attend school at Awesome Kids Academy Gwarinpa, Abuja, which is the school they were attending when they were with the

Respondent, but that she decided to put them in Online Schooling of the same School briefly when the Respondent and the Police were bent on taking the children forcefully from her.

The Petitioner adopted her witness statements on oath at the hearing of the Petition on 14th day of February, 2023 as she testified as PW1, and also tendered the following documents:

1. Marriage Certificate – Exhibit PW1A.
2. Police Invitation Letter – Exhibit PW1B.
3. Re: Intimidation, Harassment and Abuse of Office – Exh. PW1C.

Under cross examination, the PW1 stated that she left her matrimonial home because the Respondent physically assaulted her and threatened to take her life, and therefore, she felt that the best option was to leave at that time.

On the question of whether she is making moves to migrate to Canada; the PW1 stated that they had discussed moving to Canada as a family.

When asked the hospital she went for evacuation when she allegedly had miscarriage due to the Respondent's violence, the PW1 told the Court that she could not remember the hospital she went to.

The PW1 stated that she gave birth to their last child in U.S.A, and that while she was away, the other children were in the custody of their father (the Respondent).

The Respondent, in response to the petition, filed Answer and cross petition.

In his answer to the petition, the Respondent averred that the Petitioner abandoned the matrimonial home since 2nd August, 2020, and moved into her parents' house in Maitama, Abuja

simply because she does not want to carry out any chores in her matrimonial home.

The Respondent denied being verbally abusive, physically assaulting or in any way being violent against the Petitioner.

He stated that what actually happened was that the Petitioner was over indulged and pampered by her parents as the last child, that she does not know how to carry out any domestic or motherly role at home. That whenever she was corrected, the Petitioner felt that she was being bullied or maltreated.

The Respondent averred that he was the one who goes to the market and cooks for the house, and prepares the children for school as the Petitioner does not get out of bed earlier than 8am, at which point the children were already on their way to school.

He stated that he never slapped the Petitioner at any point whatsoever and couldn't have possibly done that in the presence of his own mother. That the event of 6th May, 2016 was concocted, as there was no case of physical abuse at all.

He further stated that he never at any time pushed the Petitioner; that he could not have possibly done that when she was carrying his own child. Also, that the Petitioner could not have possibly lost a pregnancy without being admitted in a hospital.

The Respondent further averred that he has never been abusive to the Petitioner, but that he has been a loving and supportive husband who goes out of his way to cover the deficiencies of the Petitioner in running a home as a mother. That they have had their own doze of disagreements like any other married couple, but nothing to involve physical

engagements, and that the children of the marriage are always insulated from any of their marital disagreements.

The Respondent averred that contrary to paragraph 9(q) and (r) of the Petition, that it is the Petitioner's family that has been the wedge in their relationship. That severally, he has made attempts with friends and family to settle any rift between them, but each time she gets home, she changes her mind, apparently after being influenced by her parents and her two elder sisters who are also divorced. He stated that what transpired on 2nd of August, 2020 was that he woke the Petitioner up early in the morning to take care of her children and get them ready for the day and the Petitioner flared up and became abusive. That following the misunderstanding, the Petitioner left the matrimonial home and went to her father's house at Maitama, Abuja and has remained there ever since with the three children of the marriage.

The Respondent stated that the Petitioner was instigated by her parents to make a complaint at the Mabushi Police Station alleging that her life was threatened, and that the Police carried out its investigations and found that the allegations were mere concoctions. That not satisfied, the Petitioner went to the National Human Rights Commission and laid a complaint which was also dismissed when they found it was not true.

He stated that he was the one solely paying the school fees of the children of the marriage, and that he was sending them regular monthly upkeep allowance until the Petitioner and her parents blocked him from having access to the children sometime in late 2021.

The Respondent stated further, that he never used the Police to harass the Petitioner but merely complained at the Family Unit of the Maitama Police Station when he was not allowed to set

eyes on the children since December, 2021 and heard it on good authority that the Petitioner was making clandestine moves to take the children abroad without his consent.

In his cross-petition, the Respondent/Cross-Petitioner prayed the Court for the following:

- a. An order dissolving the Marriage between the parties as same has broken down irretrievably.
- b. An order granting full or shared custody of the children of the marriage to the Cross-Petitioner with visitation rights to the Petitioner.
- c. Any further order or orders as the honourable court may deem fit in the circumstances.

The Cross-Petitioner averred, as the basis for the cross-petition, that since the marriage, the Petitioner has not lived up to her responsibilities as a wife and a dutiful mother to the children of the marriage nor has she been a responsible and supportive wife.

He stated that the Petitioner has no respect for him but only does anything sanctioned by her father alone. Also, that the Petitioner deserted him by finally moving out of the matrimonial home to her father's house since 2nd August, 2020.

The Cross-Petitioner further averred that since January, 2022, the children have not attended school physically, thereby denying them of the social cohesion of interacting with their peers.

Furthermore, that the Petitioner is a civil servant working at Police Service Commission whose monthly salary is not more than N100,000.00, and as such, cannot maintain the three children of the marriage, even as the Petitioner has no house of

her own but only squats with her aged parents and her other siblings.

The Cross-Petitioner stated that he is a successful business man who deals in Information Technology equipments and earns more than enough to take care of the three children of the marriage as he has been doing all along.

He stated further that he had made several efforts at reconciliation which included the involvement of his family members, close friends and members of the clergy, which has so far proved abortive as the Petitioner appears to have moved on with her life.

The Cross-Petitioner also adopted his witness statement on oath on 14th February, 2023 as he testified as DW1.

He tendered in evidence the following documents:

1. National Human Rights Commission's Letter of Invitation – Exhibit DW1A-A2.
2. Print-out of Immigrant Nominee Program – Exh. DW1B-B1.

The DW1 was duly cross examined by the learned Petitioner's counsel during which he stated that the house which he currently resides is not his personal house, and that it consists of two bedrooms flat.

He admitted that when the children were with him, he was responsible for their school fees, maintenance and upkeeps.

At the close of evidence, the parties filed and exchanged their final written addresses which they adopted on the 23rd day of March, 2023.

In his final written address, learned Respondent's counsel Alozie Nmerengwa, Esq, raised two issues for determination, namely;

- a. Whether or not the Respondent/Cross-Petitioner has made out a case to be entitled to the judgment of the Court dissolving the marriage?
- b. Whether or not it is in the best interest of the children of the marriage to award custody to the Respondent/Cross-Petitioner.

Proffering arguments on issue one, learned counsel posited, relying on Section 131(1) of the Evidence Act, 2011, and **Zenon Pet. Gas Ltd v. Emsee Shipping Line Ltd (2021)1 NWLR (Pt.1758)553 at 562**, that it is the position of the law, that he who alleges must prove.

Placing further reliance on Section 15(2)(d) of the Matrimonial Causes Act, he posited that it is on record that the Petitioner deserted their matrimonial home on 2nd August, 2020 while the Notice of Petition was filed on the 17th of January, 2022, which is a period of 1 year and 6 months. That it is clear from the parties' pleadings that the Court grants the dissolution of the marriage on the grounds that parties are ad idem that the Petitioner deserted the marriage on the 2nd August, 2020, and the parties are also seeking the dissolution of marriage in their respective reliefs. He referred to Section 123 of the Evidence Act, 2011.

Learned counsel argued that the fact that the parties in their proposed Terms of Settlement agreed that dissolution of marriage be granted and access to the children be alternated equally between the parties, clearly shows that the marriage has broken down irretrievably.

He posited that once parties to a marriage have lived apart in accordance with any of the provisions relating to living apart in Section 15(2)(d), that the Courts are enjoined by law to grant a dissolution. He referred to **Omotunde v. Omotunde (2002)1 SMC pg 255 at 291.**

On issue two, learned counsel submitted that it is a settled principle of law that in granting custody of children in matrimonial proceeding, the Court is to have recourse to the best interest of the children of the marriage as the most paramount consideration. He referred to Section 71(1) of the Matrimonial Causes Act, and Section 1 of Child's Right Act, 2003.

He contended that from the evidence adduced at the hearing of the case, that it will be correct to conclude that the Respondent has been a caring father who considers the best interest of the children of the marriage as paramount.

He posited that the grant of custody is a discretionary power which the Court exercises judicially and judiciously after examining the evidence placed before it.

He urged the Court to exercise its discretion in favour of the Respondent/Cross-Petitioner since the parties have agreed in the main, that none of them shall take the children out of Abuja without the consent of the other party, and that the children shall not be left in the custody of any other third party in the vent that any of the parents is travelling out of Abuja, except mutually agreed.

Regarding the welfare and upkeep of the children, learned counsel posited that where children are involved, parties to a marriage share equal and proportionate responsibilities as regards the upkeep and well-being of the children, most

especially, where the parties are doing well in their respective businesses.

He argued that it will be in the best interest of the children if education, clothing, medical and other needs of the children are shared equally by the parties as no one has monopoly of the children of the marriage alone.

He contended that the house where the Petitioner presently stays with the children of the marriage is her aged parents' house, which is congested as other siblings and their respective children stay in the same house and therefore not conducive for the children and may expose the children to abuse.

He urged the Court in conclusion, to give judgment in favour of the Respondent/Cross-Petitioner and grant the reliefs he seeks.

The learned Petitioner's counsel, Oladokun Ibitoye, Esq, in his own final written address, raised three issues for determination, namely;

- a. Whether the pleading/evidence adduced by the Petitioner at the trial is sufficient for the Court to dissolve the marriage between the parties?
- b. Whether it is in the best interest of the children of the marriage for the custody to be granted to the Petitioner?
- c. Whether the Petitioner should be entitled to the maintenance allowance for the upkeep of the children of the marriage and arrears of the maintenance expenses of the children if granted custody?

On issue one, learned counsel posited that the Petitioner's evidence that the marriage between her and the Respondent has broken down irretrievably, are unchallenged, uncontradicted and uncontroverted.

Arguing that the Petitioner left their matrimonial home due to the violent nature of the Respondent, he contended that from the pleadings and evidence adduced before this Court, the character of the Respondent is such that is likely to cause or produce reasonable apprehension of danger to life, limb or health on the part of the Petitioner. He referred to **Adaramaja v. Adaramaja (1962)1 SCNLR 376, Williams v. Williams (1966)SCNLR60.**

He relied on Section 15(2)(d) of the Matrimonial Causes Act, to urge the Court to grant the dissolution of the marriage.

Proffering arguments on issue two, learned counsel contended that it is in the best interest of the children of the marriage who are minors, to be in the custody of the Petitioner who is their mother.

Placing reliance on **Ajayi v. Ajayi (2007) 9 NWLR (Pt.1039),** he submitted that the principle that runs through Section 7 of the Matrimonial Causes Act, is that the welfare of the child must be the paramount and dominant consideration in determining to whom custody must be granted.

He argued that the Petitioner's evidence as to the fact that the children of the marriage who are aged 10, 8 and 5 years respectively, have been living happily with her since 20th August, 2020, at her residence, which is serene and well ordered, with ample space and facilities for physical activities conducive for the physical well-being and growth of the children, was not challenged by the Respondent. Also, that the Respondent did not give evidence of any arrangement for the education or custody of the children.

Learned counsel posited that the Courts have always leaned towards granting custody of infants to the mother. He argued

that there is no evidence that the Petitioner is morally depraved or suffering from any contagious disease or insanity that would have deprived her from having custody of the children. He referred to **Odusote v. Odusote (2012)3 NWLR (Pt.1288)47;** **Williams v. Williams (1987)2 NWLR (Pt.54) 75** and **Otti v. Otti (1992)7 NWLR (Pt.252) 187.**

He urged the Court to exercise its discretion in favour of the Petitioner by granting her custody of the children in view of the evidence adduced at the trial and in the interest of the children of the marriage.

Arguing issue three, learned counsel referred to **Nanna v. Nanna (2004)3 NWLR (Pt.966)10** on the principles guiding assessment of maintenance in matrimonial causes.

He submitted that a man has a common law duty to maintain his wife, and that his children have a right to be so maintained.

He posited that by his own admission in his pleading and witness statement on oath, the Respondent is comfortable and has the means to pay the maintenance allowance for the upkeep of the children of the marriage. He referred to **Damulak v. Damulak (2004)8 NWLR (Pt.874)9.**

He urged the Court that in the light of the admission of the Respondent as a person of means and high earning capacity, that the Petitioner's claim for N300,000.00 and other claims as contained the parties proposed terms of settlement, be granted if custody is granted to the Petitioner.

In conclusion, the learned counsel urged the Court to grant the orders sought in the Petitioner's petition in the light of the evidence adduced before the Court.

The Matrimonial Causes Act, in Section 15 provides ground for dissolution of marriage. The sole ground provided for by the Act, upon which a marriage may be dissolved is the ground that same has broken down irretrievably.

Subsection (2) of the said Section 15 of Act, enumerated the facts the existence of which could warrant the Court to hold that a marriage has broken down irretrievably. One such facts, as provided for in Section 15(2) of the Matrimonial Causes Act, is that, “since the marriage, the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent.”

The instant petition is founded on the above fact the substance of which, according to the Petitioner, is that the Respondent since the commencement of the marriage, has been “verbally abusive, physically assaulting and violent towards the Petitioner.”

The Petitioner alleged that the Respondent has on several occasions inflicted bodily injury on her and has been bent on killing her.

Matrimonial Causes, just like every other proceedings before the Court, is subject to the evidential burden of proof. It is a trite principle of law, that he who alleges has the burden to prove the allegation by credible evidence before he can be entitled to the judgment of the Court in respect of the reliefs sought. See **Anechi v. Independent National Electoral Commission & Ors (2008)LPELR-446(SC), Emesiani v. Emesiani (2013)LPELR-21360(CA).**

The question therefore, to consider in this Petition is **whether the Petitioner has established by credible evidence her allegation of violent behaviour and murderous tendencies**

against the Respondent as to be entitled to the order of this Court that the marriage has broken down irretrievably?

The Petitioner having made in the Petition the afore stated allegation of violence and threat to life against the Respondent, the said allegations were denied by the Respondent in his Answer to the Petition. The Respondent admitted that the parties, like every other couple, had their fair share of quarrel, but stated that it never degenerated into violence as alleged by the Petitioner. The Petitioner in paragraphs 6-14, 16, 21 of her pleadings alleged violence, verbal and physical abuse on several occasions. No evidence was produced in support of the allegations. The Court of law does not work on speculations and unproved allegations. It is trite law that he who alleges must prove. The Court in matrimonial matter is not swayed by sentiment. Facts and proof of facts are emphasised in every claim. Doubtless that such allegations may be true but the burden of proof is on the Petitioner who alleges to convince the Court on credible evidence that they happened.

Thus, by the state of the parties pleadings, the law requires the Petitioner to go beyond mere allegations and adduce credible evidence to establish to the satisfaction of the Court, that the Respondent was indeed violent towards her and posed a threat to her life. The Petitioner however, failed in this regard as she did not adduce any scintilla of evidence to prove her allegations against the Respondent.

In sum, the Petitioner failed to satisfy this Court by credible evidence, that since the marriage, the Respondent has behaved in such a way that she cannot reasonably be expected to live with the Respondent.

Having failed to establish the ground or bases upon which this petition is founded, the trite position of the law is that one cannot place something on nothing and expect it to stand. The natural consequence is that such a thing will fall or collapse.

From the totality of the foregoing therefore, it is my finding that the Petitioner has failed to prove her case before this Court. This Petition would have been dismissed based on the unproved allegations. However, the Petitioner had admitted on deserting her marriage and that the parties have been living apart since 2nd August, 2020 when she moved away from the matrimonial home.

Placing reliance on Section 15(2)(d) of the Matrimonial Causes Act, which calls for dissolution of marriage if the Respondent deserted the marriage for “a continuous period of at least one year immediately preceding the presentation of the petition”. Obviously the Petitioner deserted the marriage for two years now and the law does not give room to manoeuvre. Therefore, the petition succeeds on ground of desertion of the Petitioner.

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HON. JUSTICE A. O. OTALUKA.

Now to the Respondent’s Cross-Petition, which is itself a Petition in the same category as a counter-claim. See **Otti v. Otti (1992)7 NWLR (Pt.252) 187 at 212.**

The Respondent/Cross-Petitioner, in his Cross-Petition, also prayed the Court for the dissolution of his marriage to the

Petitioner on the ground that same has broken down irretrievably.

The fact upon which the Cross-Petitioner has urged this Court to hold that the marriage has broken down irretrievably, is on desertion, having averred that the Petitioner deserted him by finally moving out of the matrimonial home to her father's house since 2nd August, 2020.

The Petitioner in her pleading admitted moving out of their matrimonial home on 2nd August, 2020 to her father's house where she resides till date.

By Section 15(2)(d) of the Matrimonial Causes Act, the Court shall hold a marriage to have broken down irretrievably, if it is established "that the respondent has deserted the Petitioner for a continuous period of at least one year immediately preceding the presentation of the Petition."

Just like in the position in a counter-claim; the Petitioner in a cross-petition, becomes the Respondent, while the Respondent/Cross-Petitioner becomes the Petitioner. Thus, the Respondent who deserts the Petitioner in the circumstance of this cross-petition and in relation to Section 15(2)(d) of the Matrimonial Causes Act, refers to the Petitioner in the Original Petition.

From the evidence adduced before this Court and from the records of this Court, the Petitioner deserted the Cross-Petitioner on 2nd August, 2020 and this cross-petition was filed or presented on the 4th of May, 2022; that is a period of over one year as stipulated by the law.

The Petitioner having thus deserted the Cross-Petitioner for a period of over one year immediately preceding the presentation

of this Petition, it is therefore my finding that the marriage between the parties has broken down irretrievably.

Accordingly the cross-petition succeeds and this Court hereby makes an Order Nisi dissolving the marriage between the Cross-Petitioner and the Petitioner/Respondent to the Cross-Petition contracted on the 28th day of August, 2011, at the Seventh Day Adventists Church, Maryland, Lagos, same having broken down irretrievably.

The other reliefs sought border on the custody and maintenance of the 3 children of the marriage aged 10, 8 and 5 years respectively and who are currently in the custody of the Petitioner.

In Alabi v. Alabi (2008) All FWLR(Pt.418)245 at 258-262, the Court of Appeal held thus;

“Award of custody of the children of a marriage that has broken down irretrievably is governed by Section 71(1) of the Matrimonial Causes Act, 1990, which enjoins the Court in proceedings relating to custody, guardianship, welfare, advancement or education of children of the marriage, to take the interest of the children as paramount consideration and the court in this regard is given wide discretionary powers which it can exercise according to the peculiar circumstances of each case. The welfare of the instance is not only the paramount consideration but a condition precedent. The award of custody should therefore not be granted as a punitive measure on a party guilty of matrimonial offences nor as a reward for the rival party.”

In other words the judgment of the Court should be well balanced and considerate given to the interest of the children.

This Court shall be guided by the above dictum of the Appellate Court in considering the issue of custody and maintenance/welfare of the children of the marriage which has in this judgment, been found to have broken down irretrievably.

The parties in the course of the proceedings in this case attempted settlement concerning the issue of custody and maintenance of the children of the marriage and subsequently filed what they termed “Proposed Terms of Settlement” marked Exh A.

This Court in considering the said “Proposed Terms of Settlement” signed by both parties and their counsel and dated and filed on same date of 11th November, 2022, and shall herein adopt the areas where the parties are ad idem, while making other orders as the best interest of the children of the marriage, in the opinion of this Court, dictates. The Court is enjoined by law to ensure that the interest of parties and the children of the marriage be protected. I therefore agreed on terms with regards to the children’s interest.

Thus parties agreed on the following terms in the Terms of Settlement marked Exh ‘A’ which the Court adopts as part of its judgment on the agreed term Access: paragraph I(a)(b) Custody: paragraph 6(a)(c).

Thus, regarding the custody and maintenance of the children of the marriage, this Court orders as follows:

- a. Custody of the three children, Chika Jason Onyerionwu 10 years, Ezinne Elizabeth Onyerionwu 8 years and Uzoma Caleb Onyerionwu 5 years, children of the marriage is given to their mother, the Petitioner, Nnenna Ijeoma

Onyerionwu until they are 18 years of age when they will be able to take decision about where to live.

- b. In accordance with the parties' agreement, the Petitioner and the Respondent shall share equal number of days to spend with the children during the Christmas and long vacation holidays.
- c. Also in accordance with the parties agreement, the children shall spend alternate weekends with the Petitioner and the Respondent/Cross-Petitioner during the periods the schools are in session since the parties live in Abuja.
- d. In respect of upkeep, Respondent is ordered to pay to the Petitioner the sum of N150,000.00 monthly (One Hundred and Fifty Thousand Naira), for the three children's upkeep.
- e. Respondent/Cross-Petitioner is ordered to pay the children's school fees up to University level.
- f. Petitioner is ordered to bear the cost of their clothing and medical needs.
- g. The claim for outstanding upkeep allowance is refused and dismissed, ditto the claim for outstanding school fees and upkeep allowance for want of proof.
- h. It is hereby ordered that the children shall continue to attend school where they are presently attending.
- i. It is ordered that where the children need to change school, it would be mutually agreed by the parties.
- j. It is ordered that none of the parties shall take the children out of Abuja without the consent of the other party.
- k. It is ordered that the children shall not be left in the custody of any other third party in the event that any of the parties is travelling out of Abuja, except by mutual agreement.

- I. This Court ordered that none of the parties shall travel outside of the country with any of the children without the consent of the other party.
- m. It is ordered that the Petitioner be in custody of the International Passport of Ezinne Elizabeth Onyerionwu and Uzoma Caleb Onyerionwu. While the Respondent/Cross-Petitioner be in custody of the International Passport of Chika Jason Onyerionwu. Parties must agree continuously to renew the children International Passports in the event of any agreement for them to travel outside the country.

HON. JUSTICE A. O. OTALUKA
26/4/2023.