

IN THE HIGH COURT OF JUSTICE
IN THE BENIN JUDICIAL DIVISION
HOLDEN AT BENIN CITY
BEFORE HIS LORDSHIP, HON. JUSTICE P.A. AKHIHIERO,
ON FRIDAY THE
17TH DAY OF APRIL, 2026.

BETWEEN: **SUIT NO. B/978D/2023**
MR. IGBINEDION OSASERE OMOROGBE -----PETITIONER
AND
MRS. BOSE OJO OMOROGBE -----RESPONDENT

JUDGMENT

This Judgment is in respect of a Petition for a decree of Dissolution of the Marriage filed on behalf of the Petitioner on the 13th of November 2023. In his Petition, the Petitioner seeks the following reliefs:

- 1) A decree of Dissolution of marriage on the ground that the marriage between the Petitioner and Respondent has broken down irretrievably, as the Respondent has deserted the Petitioner since June 2021 and has refused to return to the Petitioner and the Petitioner and the Respondent have lived apart for the past two years preceding the filing of this Petition.*
- 2) An Order that the custody of the Children of the Marriage be given to the Petitioner and the Petitioner and Respondent shall be jointly responsible for the care, education and maintenance of the Children of the Marriage.*

The Petition was served on the Respondent and she filed an Answer and a Cross-Petition. However, in the course of the proceedings, the Respondent withdrew her Cross-Petition.

At the hearing of the Petition, learned counsel to the Petitioner, ***O.M. Okhionkpamwonyi Esq.***, and the learned counsel to the Respondent, ***I.S. Iyawa***

Esq., informed this court that the parties were exploring an amicable settlement. This Petition was therefore adjourned for a report of settlement.

On the 3rd day of February, 2026, both parties were present in court via zoom to give report on settlement. The Petitioner testified via zoom. According to the Petitioner, the Respondent and he got married on the 25th of January 2014 in Benin City. A copy of the marriage certificate was tendered in evidence and admitted as *Exhibit "A"*.

The Petitioner further testified that since the marriage, he and the Respondent have been living apart for the past four years. He stated that he has filed terms of settlement and urged the Court to adopt same.

The Respondent did not object to the adoption of the terms of settlement and the Terms of Settlement dated 15/1/2026 was admitted as *Exhibit "B"*. Learned counsel to the Respondent, *P.I. Aifuwa Esq.* informed this Court that they are not contesting this Petition and withdrew their cross-petition dated 25/9/24.

It is settled law that where parties have reached an amicable settlement, the duty of the Court is to give effect to such agreement, provided it is not contrary to law. See, *Menakaya v. Menakaya (1996) 9 NWLR (Pt. 472) 256; Woluchem v. Wokoma (1974) 3 SC 153*.

The best judgment in a suit is the one as agreed by the parties themselves.

Sequel to the foregoing, from the evidence adduced in this Petition and with particular reference to the Terms of Settlement dated and filed on the 15th of January 2026, I hereby adopt the aforesaid Terms of Settlement and enter Judgment in line with the Terms of Settlement as follows:

- 1. The Petitioner is granted a decree of Dissolution of the marriage between the Petitioner and Respondent on the ground that the parties have lived apart for a continuous period of two years preceding the presentation of this Petition in accordance with Section 15(2) e of the Matrimonial Causes Act;*
- 2. The Respondent is granted custody of the children of the marriage until they attain the age of 18 years and then they can decide for themselves who to live with between the parties;*
- 3. The Respondent shall always have custody of the children of the marriage and shall live with the children in Italy or Europe. The Respondent shall not give up custody of the children to relations or third parties;*
- 4. The Petitioner shall give the Respondent €450 (Four Hundred and Fifty Euro) monthly or its Naira equivalent for maintenance cost and accommodation for the children of the marriage which the Petitioner has since been paying;*

5. *The Petitioner shall be allowed to visit or have reasonable unhindered access to the children of the marriage;*
6. *The Petitioner shall pay the school fees of the children of the marriage in Italy, and the fees shall be paid directly to the school account after the Petitioner's due registration with the school in Italy; and*
7. *The medical bills of the children of the marriage shall be shared equally between the parties.*

I hereby Order a Decree Nisi which will be made a Decree Absolute after three months unless there is a cogent reason to vary same.

I make no order as to costs.

P.A. AKHIHIRO
JUDGE
17/04/2026

COUNSEL:

1. *O. L. Okhionkpamwonyi Esq.Petitioner*
2. *P.I. Aifuwa Esq. with I.S. Iyawa Esq.Respondent*