

IN THE HIGH COURT OF JUSTICE
EDO STATE OF NIGERIA
IN THE BENIN JUDICIAL DIVISION
HOLDEN AT BENIN CITY

**BEFORE HIS LORDSHIP, HONOURABLE JUSTICE C. O. IDAHOSA –
CHIEF JUDGE**

ON MONDAY THE 25TH DAY OF APRIL, 2016

BETWEEN:

SUIT NO. B/190D/2015

MRS. BLESSING OGBOR

PETITIONER

AND

MR. ALEX OGBOR

RESPONDENT

JUDGMENT

This is a divorce petition filed by the Petitioner on 5/10/15. In the petition, the petitioner is seeking the following orders:-

11. ORDER SOUGHT

- I. The Petitioner seeks an order/relief for a decree of dissolution of the marriage between the Petitioner and the Respondent.

- ii. Custody of the only child of the marriage Master Israel Ogheneloye Ogbor age 2.
- iii. Payment of all educational and medical bills of the child by the Respondent.
- iv. Payment of the sum of N25,000 monthly allowance to the Petitioner for the up keep of the only child of the marriage Master Israel Ogheneloye Ogbor.”

The petition was served on the Respondent on 26/10/15 but he failed, neglected or refused to file an Answer.

According to the Petitioner, the parties got married on 15/9/2012 at St. Peters Anglican Church Otibio, and cohabited as man and wife at Block 45D Dewesco Estate, Off Benin Technical School Road, Benin City and No. 12 Ali Ata Road, Off Kogi Circle, Lokoja, Kogi State.

The respondent was served with the petition for divorce and other accompanying processes. He however did not file an Answer and did not appear in court.

Petitioner was then allowed to lead evidence in support of her petition. She said co-habitation ceased in October 2013 when

Respondent packed out of their matrimonial home. Since then, he did not send any money to her for her upkeep as well as for the upkeep of their baby, Master Israel Ogheneloye Ogbor, who is now 2 years old.

She added that when the rent ran out, she sent word to him that the rent has expired. She said the Respondent replied that since she and her son are living in the house or apartment, they should pay the rent.

Petitioner also stated that the siblings of Respondent came to the house on April 2015 and beat her up, in an attempt to seize the child from her. In the melee, the child was injured as well as herself. She urged the court to grant her reliefs.

Learned Counsel closed her case and later filed a written address as ordered by the court.

Petitioner tendered Exhibit A, the marriage certificate, which is proof that there was a marriage under the Act between the parties.

I have read and considered the address of learned Counsel and I am in agreement with all his submission. In the circumstances I am of the firm view that since this marriage has broken down irretrievably, the only thing left for this court to do, is to give it a decent burial.

Accordingly, judgment is given in favour of the Petitioner in the following terms.

- (1) A Decree Nisi is granted dissolving the marriage between the Petitioner and the Respondent.
- (2) The Decree Nisi shall be made absolute in 90 days in the absence of any objection
- (3) Custody of Master Israel Ogheneloye Ogbor granted to the Petitioner until he is 18 years old when he can determine where and with whom he may live.
- (4) Respondent shall pay the sum of N25,000.00 to the Petitioner monthly for the upkeep of Israel Ogheneloye Ogbor.

(5)The Respondent shall pay all the medical and educational bills
or fees or expenses for the only child of the marriage Master
Israel Ogheneloye Ogbor

(6) Each party to bear his/her costs.

Hon. Justice C. O. Idahosa
Chief Judge
25/04/2016

COUNSEL:-

C. O. EZENWANNE ESQ. with him is

H. E. AJAYI ESQ. for Petitioner.