

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 ó  
CHIEF JUDGE

ON THURSDAY THE 29<sup>TH</sup> DAY OF FEBRUARY, 2016

BETWEEN:

SUIT NO. B/64D/2015

**MRS. MARY AGHATOR**

... **PETITIONER**

**AND**

**MR. MOSES AGHATOR**

... **RESPONDENT**

**JUDGMENT**

Petitioner opens her case. She is sworn on the Holy Bible and states as follows:- My names are Mrs. Mary Aghator, and I live at No. 18, Ibrahim Irekpita Street, Off Lucky Igbinedion , Ikpoba hill Benin City. I am a civil servant. I know Respondent. He is my husband. We got married on 13/4/13 at Deliverance Holy Mission at No. 5, Ekhuagere Street, Off Lucky Igbinedion Way, Ikpoba Hill Benin City. We were given a certificate of Marriage after the ceremony. The original copy of the certificate is not with me but I have a certified true copy. My husband took the original. I see this now shown to me, and I say it a copy of the marriage certificate.

Copy of certificate of marriage is admitted and marked as Exhibit A

petitioner after the marriage, we cohabited at Respondent's house at No. 22 Ogiemudia Street, Off Lucky Way. The marriage produced one child i.e a son, Hope Agbonsalo Aghator aged 2 years 3 months now. He was born 29/9/2014.

We stopped living together, in July 2013 even before the birth of our child, Hope. Up to the time this petition was filed on 7/8/15, we were still living separate lives. Since we got married, Respondent used to beat me. He would carry a knife and say he wants to kill me. Sometimes he used a broken bottle to attack me. I used to run away.

The Respondent was in the habit of committing adultery. I saw female nightgowns in my box but they did not belong to me. That is why I concluded that he used to commit adultery.

After the ceremony, I found out that the persons who stood as the parents of the groom i.e. the Respondent, were not his biological parents

I am a prison's Assistant, after the persistent threats, I packed to my parents' house and Respondent packed away. I left in July 2013 and he also left that house in November 2013.

Since then we have not lived together. I want the court to dissolve the marriage. I want custody of the only child of the marriage.

Ugowe Esq.

I ask the Court for judgment based on the uncontroverted evidence.

I have considered the petition and the testimony of the Petitioner. The Respondent was served but failed to show up.

I accept the uncontroverted testimony of the Petitioner. She had no reason to lie against the Respondent.

Exhibit A is the proof of the marriage. In view of the Testimony of the Petitioner I am satisfied that the marriage between the parties has broken down irretrievably and the only sensible thing now is to give it a decent burial. The evidence is that the parties have lived apart for a continuous period of at least two years and Respondent has no objection to the dissolution of the marriage.

I accept this evidence.

Accordingly judgment is entered in the following terms:-

- (a) A Decree Nisi is hereby granted dissolving the marriage between the parties contracted on the 13<sup>th</sup> day of April, 2013.

(b) The Decree Nisi shall be made absolute in 90 days in the absence of any objection.

(c) The custody of the only child of the marriage is granted to the \petitioner.

(d) Each side is to bear his/her own cost.

C. O. IDAHOSA  
CHIEF JUDGE  
29/2/2016

COUNSEL:

J. E. UGOWE ESQ. FOR PETITIONER