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**The Proper Location of Verifying Affidavit, Effects and
Reasons in Matrimonial Proceedings in Nigeria**

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Abstract

The Location of verifying affidavit in a petition for a decree of dissolution of marriage or answer thereof has become a booby trap for many lawyers and judges of trial courts. Verifying Affidavit is the heart and soul of a petition, indeed, a mandatory requirement for every divorce petition or answer. The dislocation of verifying affidavit in defiance of the obligatory injunction of Order V Rule 10 (1) of the Matrimonial Causes Rules of 1983 always attracts severe sanction of outright dismissal of the Petition. The consequence is perpetual multiple preliminary objections, appeals to superior courts and dismissal of petitions, leaving the petitioners in a state of drudgery and marital comatose, since an attempt to remarry without first dissolving a statutory marriage amounts to bigamy. The purpose of this article is to render an accurate interpretation of Order V Rule 10 (1) of the Matrimonial Causes Rules and save legal practitioners the agony of having their petitions dismissed on account of improper placement of verifying affidavit. The article is structured into five segments namely: Introduction, interpretation of Order V Rule 10 (1) of Matrimonial Causes Rules, Case Law analysis of the issue, sample of a petition with verifying affidavit and conclusion. Doctrinal research methodology was applied in arriving at a valid conclusion. Emphases were placed on statutes and case laws as primary sources. Reliance was as well placed on journal articles, textbooks. Internet materials, among others, as secondary sources.

Keywords: Proper, location, verifying affidavit, Matrimonial Proceedings

1. **Introduction:**

The verifying affidavit is a condition sine qua non for a valid petition for a decree of dissolution of marriage. It is part and parcel, indeed, a continuation of petition. Unfortunately, many practitioners and

litigants erroneously believe it to be a distinct and separate document that should be annexed to a petition. A cursory perusal of a plethora of petitions for dissolution of marriage filed in various high court registries reveal a verifying affidavit annexed to petitions with court heading, names of parties and suit number appearing thereon.

Although a deluge of petition founded on this sort of ill-fated verifying affidavit have been tried in our various high courts and some marriages dissolved based on same, the practice is alien to Nigeria's matrimonial laws. This article therefore seeks to offer correct interpretation of Order V Rule 10 (1) of the Matrimonial Causes Rules and to save practitioners and litigants the agony of having their petitions dismissed on account of incompetent verifying affidavit. The article will also lay to rest endless preliminary objections to petitions based on dislocation of verifying affidavit and multiple appeals arising therefrom.

The article is structured into five parts – Introduction, Statutory analysis of Order V Rule 10 (1) of the MCR, Case law analysis on verifying affidavit, sample of petition with properly located verifying affidavit and conclusion.

2. **Statutory Analysis of Order V Rule 10 (1) of the MCR:**

The starting point for accurate construction of the law on verifying affidavit is a reproduction of Order V Rule 10 (1) of the Matrimonial Causes Rules, 1983. It provides thus: “A petitioner shall, by an affidavit, written on his petition, and sworn to before his petition is filed.

- (a) Verify the facts stated in his petition of which he has personal knowledge; and
- (b) depose as to his belief in the truth of every other facts stated in his petition” Commenting on the above provision, *Ikechukwu D. Uzo*¹

LLB (Enugu), BL (Kano), LLM (Wuhan, China), Ph.D (Chongqing, China), Lecturer, College of Law, Afe Babalola University, Ado-Ekiti, Ekiti State, Nigeria.

said, “For a petition to be valid, the verifying affidavit must be written on the petition and must form a continuation of the petition”. This interpretation is unimpeachable and represents the correct position of the law. The word “on” in Order V Rule 10 (1) (Supra) means “in’ or into a position covering ‘touching or forming part of a surface’². It follows that a verifying affidavit must be on foot of a petition as a continuation of same without a new heading of court, names of parties and suit number. It is for this reason that the present writer lampoons the erroneous conclusion of *E.A. Odike & A.G. Agu*³ to the effect that a verifying affidavit should accompany a petition and bear a separate heading of a court with names of parties and suit number.

It is an elementary principle of statutory interpretation that where the language of an enactment is clear and unambiguous, the ordinary meaning of the word should be given their plain, ordinary, grammatical meaning, without any qualification. This has received judicial authenticity in a litany of cases such as *Owena Bank Nigeria Plc v. NSE Ltd.*⁴ and *Amadi v. NNPC*⁵. The words “an affidavit written on his petition” in Order V Rule 10 (1) (Supra) are clear and devoid of any ambiguity. This is more so taking into cognizance that the affidavit in question is to verify the facts stated in the petitioner’s petition, it is obvious that it perform that function of verification the affidavit must be written on the petition itself, the contents of which are being verified by the affidavit. In *Abbah v Abbah*⁶ and *Abiduah v Adibuah*⁷, it was held that unless

¹Uzo, D. L., Guide to Matrimonial Proceedings (2nd ed.) (Law Digest Publishing Co. Surulere, Lagos, 2012) P.11

²Crowther, J., Oxford Advanced Learner’s Dictionary of Current English (Special Price edition) (Oxford University Press, 1998) P. 807.

³Odike, E. A., and Agu, G. A., Modern Nigerian Family Law (Renaissance Publishers Ltd, Enugu 2003), PP. 184, 188 & 189.

⁴(1997) 8NWLR (Pt. 515) 1

⁵(2000) 10 NWLR (Pt. 674) 76 at 109

⁶3ECCLR 214 at 216-217

⁷ 1ECCLR 127 at 133-134

the verifying affidavit follows immediately at the end of the petition, the rule had not been complied with.

It should be observed that a verifying affidavit must first be sworn before a petition is filed as required by the unambiguous wording of Order V Rule 10 (1) (Supra). To file a verifying affidavit the same day with the petition is a misnomer and a sheer disobedience of Order V Rule 10 (1) aforesaid.

It must be borne in mind that the operative word in Order V Rule 10 (1) is “shall”, which denotes mandatory. This was the view of the courts in the cases of *Ifezue v. Mgbadugha*⁸, *State v. Ilori*⁹ and *Amadi v. NNPC*¹⁰. In the recent case of *Tabik Investment Ltd. & Anor v. Guaranty Trust Bank Plc.*¹¹, Mukhtar, JSC, held thus: “the word ‘shall’ connote mandatory discharge of a duty or obligation, and when the word is used in respect of a provision of the law, that requirement must be met.”

What is more, Order 6 Rule 1 and 3 of the English Matrimonial Rules, 1957, provides as follows: “6 (1) Every petition shall be supported by an affidavit by the petitioner verifying the facts of which he has personal knowledge and deposing as to his belief in the truth of other facts.

(3) The Affidavit in support of the Petition shall be contained in the same document as the petition and shall follow at the foot or end thereof”

This further reinforces the writer’s position that a verifying affidavit must form part of a petition, and not to be attached thereto. The Nigerian MCR was fashioned after the English MCR and the same interpretation must have been intended by the legislature. It must not be forgotten in a hurry that the various high court laws enjoins court to be guided by the decisions and

⁸ (1984) 1SCNLR 427 at 456-457.

⁹ (1983) 1SCNLR 94 at 110

¹⁰ (supra) note 5

¹¹ (2011) LPELR – 3131 (SC)

pronouncement of Superior Courts of common law countries while construing like provisions in similar cases¹².

A great deal of case law from other jurisdictions in like case supports the view of the present writer, as shall be discussed below.

3. Analysis of Case Law on Verifying Affidavit.

There is a concordance of opinion among judges in all the authorities considered, that non-compliance with the sacrosanct requirement of Order V Rule 10 (1) (supra) is fatal to a divorce petition.

In *Oyedu v Oyedu*¹³, Aniagolu.J. (as he then was) while construing Order 6 (1) and (3) (Supra) by virtue of Section 16 of the Old Eastern Nigeria High Court Law, held thus: “The requirement of sub-rule (3) that the affidavit shall be contained in the same document as the petition and shall follow at the foot or end thereof is mandatory. The operative words are: ‘Shall be contained in the same document and shall follow at the foot or end thereof’. His Lordship therefore upheld a preliminary objection founded on non-compliance with Order 6 (1) and (3) (Supra).

Similarly, in *Grace C. Omodon v J.C. Omodon & Anor*¹⁴. Idigbe, J. (as he then was) while ruling on similar objection, considered Order 6 rule 3 (Supra) to be imperative.

Although the above decisions were delivered before our Matrimonial Causes Rules of 1983, it is submitted that the same construction should be accorded to Order V Rule 10 (1) of the MCR.

The above submission has been vindicated by an array of case law on the matter in recent years.

¹²The High Court Law of Ebonyi State Cap. 92 Laws of Ebonyi State, 2009 S. 15 (1).

¹³(1972) 2 ECCLR 730 @ 731

¹⁴(1966) NMLR 288

In *Abbah v. Abbah*¹⁵ and *Abiduah v Adibuah*¹⁶, it was held that unless the verifying affidavit follows immediately at the end of the petition, the rule had not been complied with.

In *Unaegbu v. Unaegb*¹⁷, an interlocutory appeal from the High Court of Justice, Anambra State, the appellant's preliminary objection to the competence of a petition for divorce whose verifying affidavit was annexed to the petition, was overruled by the trial judge.

On appeal to the court of Appeal, Mohammed, JCA allowed the appeal and upheld the preliminary objection and struck out the petition for infraction of Order V Rule 10 (1) of the MCR 1983. According to His Lordship, "the requirement of the rule in Order 6 Rule (3) of the English Matrimonial Causes Rules (applicable in Nigeria) and similar to Order 5 Rule 10 (1) of the Matrimonial Causes Rules Cap. 220 LFN, a verifying affidavit shall be contained in the same document as the petition and shall follow at the foot of or end thereof is mandatory. The operative words are shall be contained in the same document and shall follow at the foot or end thereof. The intendment of the rule is that the affidavit must follow immediately at the foot of the petition and that both the petition and the said affidavit must be contained in the same document in the sense that the affidavit document must be a continuous document to the petition. This is also the requirement of Order V Rule 10 (1) of the Matrimonial Causes Rules, 1983. Thus, where, as in the instant case, the verifying affidavit in support of the petition is contained in a separate document, clearly headed with the suit number inserted, the fact of it having been sworn to on the same date of filing of the petition notwithstanding, the petition will be incompetent for non-compliance with the mandatory provisions of the Rules..."

¹⁵ Op cit note 6

¹⁶ Op cit note 7

¹⁷ (2004) INWLR (Pt. 884) 332

Similarly, in *Odusote v. Odusote*¹⁸, Garba, JCA, held that: “filing a verifying affidavit with a petition is a condition precedent to the filing of the petition in the sense that the affidavit must be sworn to by the petitioner before the petition is filed. The petition must contain the affidavit sworn to by the petitioner before the petition can be proper...the use of the word “shall” in a statute ordinarily means that the provisions are mandatory, because the word is used to express a command or directive which does not admit of discretion.”

In a more recent case of *Alex Ehigiator v. Joy Ehigiator*¹⁹, the divorce petition was instituted with a distinct verifying affidavit, bearing a separate court heading and the suit number. Okeya-Inneh, J., wasted no time in upholding the preliminary objection of the Respondent, and disposed the petition into a waste paper basket, for defying the obligatory requirement of Order V Rule 10 (1) (*supra*).

Perhaps, a worrisome decision, indeed, the only known dissenting voice to this principle of law is the one offered by Uwa, JCA, in the case of *Ojeniran v. Ojeniran*²⁰. In that case, despite the petitioner’s failure to attach marriage certificate as prescribed by Order V Rule 27 (6) of the MCR, and filing a separate verifying affidavit, His lordship, Uwa, JCA, held that the petition was nevertheless competent. He predicted his decision on Order XX1 Rules 2 and 3 of the MCR, to the effect that the court can dispense with the rules and relieve parties of the consequences of non-compliance thereto, in the overall interest of doing substantial justice.

It is instructive to note from the cases surveyed above, that Order V Rule 10 (1) of the MCR imposes four sacred mandatory obligations on a petitioner for decree of dissolution of marriage as stated hereunder.

1. A petitioner shall write an affidavit on his petition.
2. The affidavit shall be sworn to before his petition is filed;

¹⁸ (2012) 3 NWLR (pt. 1288) p. 478 at 497.

¹⁹ (2016) unreported Judgement of Edo State High Court, Benin City Division in Suit NO. B/356D/2013, Delivered on the 9th Day of June, 2016. Available at <http://www.edojudiciary.gov.ng/wp-content/upload/2016/10/suit-N0-B-356d-2013-mr-A/31/10/2019> accessed on November 2, 2019.

²⁰ (2018) LPELR – 45697 Ratio 2 (CA)

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3. In that affidavit , the petitioner shall verify the facts stated in his petition of which he has personal knowledge and
4. In that affidavit, the petitioner shall depose as to his belief in the truth of every other facts stated in the petition.

4. Sample of Divorce Petition with Verifying Affidavit.

IN THE HIGH COURT OF EBONYI STATE OF NIGERIA

Ailable at <

HOLDEN AT EZZANGBO

(MATRIMONIAL CAUSES (DIVORCE))

SUIT NO: HKW/ /2019

BETWEEN:

MRS. IKPOKI UDENZE :::::::::::::::::::: PETITIONER

AND

MR. EKWEKWE UDENZE:::::::::::::::::: RESPONDENT

To: The above named High Court.

The petitioner **Mrs. IkpokiUdenze** whose address is at NdiaguOgodoUffiobotoAmikeIzhia Autonomous Community, Ohaukwu L.G.A. of Ebonyi State, and whose occupation is Trading hereby petitions for a decree of dissolution of the marriage against the Respondent, **EkwekweUdenze**, whose address is NdiaguOgodoUffiobotoAmikeIzhia Autonomous Community, Ohaukwu L.G.A. of Ebonyi State, and whose occupation is Commercial Driver.

MARRIAGE

1. The Petitioner, then a Spinster, was lawfully married to the Respondent, then a Bachelor, and the marriage was celebrated at St. Peter's Catholic Church AmikeEzzangbo on the 13th day of August, 2016 in accordance with Christian Faith. The certificate of the marriage is hereby pleaded and marked as **Exhibit 'A'**.
2. The surname of the Petitioner immediately before the marriage was **AMADI**.

BIRTH OF PETITIONER AND RESPONDENT

3. The Petitioner was born on 12/11/1993 at St. Theresa's Hospital, Abakpanike, Enugu, Enugu State. The Respondent was born in 1988 at NdiaguOgodoAmikeIzhia Autonomous Community in Ohaukwu L.G.A. of Ebonyi State.

DOMICILE OR RESIDENCE

4. The Petitioner is, within the meaning of Act, domiciled in Nigeria. The facts on which the court will be asked to find that the petitioner is so domiciled are as follows: The petitioner was born in Enugu on the aforementioned date and lived therein until 1997 when the Petitioner relocated to her Parent's home at NduloUffiobotoAmikeEzzangbo after the creation of Ebonyi State in 1996.

COHABITATION

5. Particulars of the places at which and periods during which the Petitioner and the respondent have cohabited are as follows: Soon after the traditional wedding between the Petitioner and the Respondent in July 2016, the Petitioner was living together with the Respondent as Husband and Wife at NdiaguOgodoUffiobotoAmikeIzhia Autonomous Community, Ohaukwu L.G.A. of Ebonyi State.
6. The Date on which and circumstances in which cohabitation between the Petitioner and Respondent ceased are as follows: Sometime in April, 2019 the aggression and physical violence of the Respondent against the Petitioner forced the Petitioner to flee her matrimonial home to reside with her parent at NduloAmikeEzzangbo, after the Respondent beat hell out of her and banished her to her ancestral home.

CHILDREN

7. Particular relating to the children to whom Order V rule 8 applies are as follows: The marriage has produced 2 (two) children namely: **Udenze Michael male born on 29/5/2018 ,UdenzeEmeldaOlachi Female born on 6/10/2016.**

PREVIOUS PROCEEDINGS

8. Since the marriage there have not been any previous proceedings in a court between the Petitioner and the Respondent. However, there has been several arbitration proceedings between the Petitioner and the Respondent by the marriage mediator, **Chief OkpauObiano**.

GROUNDS FOR THE PETITION

The marriage between the Petitioner and the Respondent has broken down irretrievably on the following grounds:

9. The Respondent has since the marriage behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent.
10. Since the marriage, the Respondent has committed adultery persistently with one Miss Lizzy and several other Women and the Petitioner finds it intolerable to live with the Respondent.

FACTS IN SUPPORT OF THE GROUNDS

11. The Respondent has been terrorizing the Petitioner for apparently no justification soon after the marriage.
12. The Respondent is always quarrelling the Petitioner and assaulting her without provocation.
13. The cruel and barbarous conduct of the Respondent against the Petitioner continued on the 2/10/2017, when he inflicted injury on the left eye of the Petitioner during one of the unprovoked attacks. The Photograph of the gory-sight of the Petitioner during the incident is hereby pleaded and marked as **Exhibit 'B'**.
14. On the invitation of Petitioner's mother on the same date to settle the uproar, the Respondent inflicted machete cuts on the Petitioner's mother. The Photograph of the gruesome attack on the Respondent's Mother In-law is hereby pleaded and marked as **Exhibit 'C'**.
15. The detestable and callous conduct of the Respondent against the petitioner went on, on the 17/4/2019 at Amadi's family during Traditional wedding of AmadiOgechukwu wherein the Respondent bounced on the Petitioner in public glare, intimidated her, assaulted

and threatened to kill her if she set her foot in her matrimonial home again.

16. Sometime in April, 2019, the Respondent came to the Petitioner's parents' home with 2 iron rods and acid to bathe the Petitioner and condemn her face and also kill the Petitioner's father, Chief Michael Anofia.
17. The Petitioner and her parent swiftly raised alarm and the relatives of the Respondent came and arrested the Respondent and detained him at Ohaukwu Police Station, 135 Ezzangbo.
18. The 2 iron rods are still with the Police custody.
19. The Respondent wrote undertaking at the Police Station to be of good behaviour and refrain from further unprovoked attacks on the Petitioner all to no avail. A certified true copy of the said undertaking is hereby pleaded and marked as **Exhibit 'D'**.
20. The wicked act of the Respondent against the petitioner came to its pinnacle on the 26/7/2019, the Petitioner went to sell donkey skin at Chief Benson Egede's residence, the Respondent got wind of it and came to the scene and beat the Petitioner ruthlessly for apparently no reason.
21. The climax of the terror attacks unleashed on the Petitioner by the Respondent was on the 25/7/2019, the Petitioner was riding a motorcycle along Amanamta Road, the Respondent jumped out of a moving bus, pursued the Petitioner who fell from the motorcycle and fell prey to the Respondent who beat the Petitioner helplessly.
22. The Respondent does not show any care, love and affection to the Petitioner, neither does he provide for the family. The Petitioner is the bread winner of the family as the Respondent has abandoned his family responsibilities to the Petitioner.
23. The Respondent is a society man and goes out anytime without informing the Petitioner of his whereabouts and returns home late at night on daily basis.

24. The Respondent is a habitual smoker of Indian hemp and a drunkard and sleeps around at Homeland Hotels, Zelus Hotels and Odogwu's Hotels all at Ezzangbo.
25. The Respondent is a diabolic person and always recites incantation at midnight which ignites fear on the Petitioner, and has always boasted of his occultic powers which he inherited from his father, a situation which is quite incompatible with the Christian Faith of the Petitioner.
26. The Petitioner frowns at all the above reprehensible characters of the Respondent.
27. The Petitioner has always promptly reported all the conducts of the respondent to the Marriage mediator, Chief Godwin Ishiali.
28. The arbitration proceedings by Chief Godwin Ishiali collapsed *intoto* as the Respondent has refused, ignored or neglected to respect the arbitral awards.
29. The Respondent receives love text messages and phone calls from one Miss Lizzy of College of Health Technology 135 Ezzangbo and several other women arbitrarily in the presence of the Petitioner, and upon inquiry by the Petitioner usually attracts some dirty slaps from the Respondent.
30. The Respondent committed adultery persistently with one Miss Lizzy, a student of College of Health Technology, 135 Ezzangbo and was caught red-handed sometime in February, 2019 at 135 Junction, when the Petitioner sighted the Respondent with Miss Lizzy, his concubine and confronted them that evening but the Respondent threatened to kill the Petitioner if she ever dares to interfere with his illicit and immoral relationship with his mistress.

CONDONATION, CONNIVANCE AND COLLUSION

31. The Petitioner has not condoned or connived at the grounds specified above, and is not guilty of collusion in presenting this petition.

PROPOSED ARRANGEMENT FOR THE EDUCATION AND WELFARE OF CHILDREN OF THE MARRIAGE

32. The petitioner is presently living in a two bed rooms flat at NduloAmikeIzhiangbo, and is living together with the two children of the marriage.
 - a. The petitioner has also hired the service of a domestic servant who shall see to the upkeep of the home.
 - b. The petitioner's mother has also agreed to live with the Petitioner and her grandchildren.
33. **UdenzeEmelda** is in Nursery one at Evangel Nursery and Primary School, 135 Ezzangbo at the school fees of N4,100.00 subject to upward review.
34. **UdenzeEmelda** to enter Nursery one at Federal Government Girls Staff Nursery and Primary School, Ezzangbo with Registration fee of N25,000 to pay N10,000 per tem subsequently.
35. **Udenze Michael** is to be enrolled at Federal Government Girls Staff Nursery and Primary School, Ezzangbo at a fee of N25,000 to pay N9,000 per term subsequently.

MAINTENANCE AND SETTLEMENT OF PROPERTY

36. The Respondent should pay a maintenance allowance of **N50,000.00** per month for feeding, clothing, medical bills and other sundry expenses for the two children per month.
37. The Respondent shall also promptly pay the school fees of the two kids as stated in paragraph 13 and 14 above subject to upward review until the two children attain 18 years of age and also pay their school fees in the higher institution in future.
38. The court will be asked to make an order for the settlement of the property of the marriage as shall be given in evidence before the court.
39. The Court shall be asked for ancillary relief in paragraphs 12 – 16 during the tendency of this suit.

CUSTODY OF THE CHILDREN

40. The court shall be asked for an Order of the Custody of the two children of the marriage who are still minor, to be under the care of the Petitioner until they attain the age of majority which is 18 years.

ACCESS TO THE CHILDREN BY THE RESPONDENT

41. The court shall be asked to make an Order allowing the two children of the marriage to have access to the Respondent during only school holidays.

ORDERS SOUGHT FROM THE COURT

The Petitioner seeks the following orders:

- a. A decree of dissolution of the marriage between the Petitioner and the Respondent on the grounds that the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent, persistence adultery and intolerability.
- b. Custody of the 2 children of the marriage, both of whom are minors.
- c. Order for maintenance allowance of N50,000.00 per month for the 2 children of the marriage.
- d. Respondent's access to the children only during school holidays.
- e. Perpetual injunction restraining the Respondent, his agents, servants and privies from further intimidation, harassment, battery, molestation of the Petitioner physically, by phone calls or text message or whatever means.
- f. Perpetual injunction, restraining the Respondent, agents, servants and privies from intimidation, harassment and molestation of the Parents of the Petitioner, Chief and Lolo Michael Nwite.
- g. An ORDER directing the Respondent to be paying the sum of 9,000.00 each per term subject to upward review being the school fees of the two children of the marriage and to train them in secondary school and higher institution.

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This Petition was settled by:

Dr. C.C. ItumaEsq
Legal Practitioner
On behalf of the Petitioner

Filed on theday of2019
by Dr. C.C. ItumaEsq on behalf of the
Petitioner whose address for service is
The Law firm of Onwe S. Onwe& Associate
at No 25 Afikpo Road Abakaliki, Ebonyi State
Tel: 07030710263; 08067022787
Email: ezembeke@gmail.com

VERIFYING AFFIDAVIT IN SUPPORT OF THE PETITION

I, **MRS. IKPOKI UDENZE**, female, adult, Christian, Trader, a citizen of the Federal Republic of Nigeria now residing at NduloUffiobotoAmikeIzhia, Ohaukwu L.G.A. of Ebonyi State, do hereby depose on Oath and aver as follows:

1. That I am the Petitioner in this suit.
2. That I verify the facts stated in my Petition by virtue of my personal knowledge of the same.
3. That the statement set forth in all the paragraphs of my Petition are true and correct to the best of my knowledge and belief and in accordance with the Oaths Act, 2004.
4. That I depose to this verifying affidavit in good faith.

.....

DEPONENT

Sworn to at the High Court of Ebonyi State Registry,
Ezzangbo, thisday of2019

BEFORE ME:

COMMISSIONER FOR OATH

5. Conclusion:

A valid petition for a decree of dissolution of marriage or answer thereof must contain a verifying affidavit on the same document as the petition. The verifying affidavit is a continuation of the petition without a new court heading, names of parties and suit number. It must follow immediately at the foot or end of the petition, and not a distinct or separate document annexed to the petition. Failure to integrate a verifying affidavit on the same document as the petition is fatal to the petition and same must be struck out. A verifying affidavit is a mandatory requirement of Order V Rule 10 (1) of the MCR. Every verifying affidavit must be sworn before a divorce petition is filed.

The affidavit shall verify the facts contained in the petition which should be from the personal knowledge of the petitioner. The affidavit shall also verify the belief of the petitioner in the truth of every other fact contained in the petition.