

increased; and absorption or swallowing up so as to involve a loss of identity and individuality. In legal contexts, the principle of merger generally refers to the absorption of a lesser interest or claim by a greater one, causing the lesser to cease to exist. This concept appears in various areas of law, including civil procedure, criminal law, property law, and trust law, each with its own specific application for the application of the principle see the cases of Kodesoh Vs Aro (1972) All NLR 394,



Owoniboy Technical Services Ltd Vs Union Bank of Nigeria Plc (2003) 15 NWLR (Pt 844) 545, Dangote Industries Ltd Vs The Steamship Mutual Underwriting Association

(Bermuda) Ltd (2016) LPELR 50501(CA) .

Explaining the principle of merger as it relates to estates in property law, the Court in Jagaba Vs Umar (2016) LPELR 40466(CA), said that it postulates that:

where a person takes or acquires an estate of a higher nature in legal valuation than one he already possesses, the person merges and extinguishes his legal remedies upon the inferior estate and the inferior estate ceases to be of any relevance. In other words, where for example a person holds a yearly tenancy in a property and subsequently acquires a lease for a term of years in the same property, the yearly tenancy merges into the lease which is an estate of higher valuation and ceases to exist.

Applying the above stated principles to the instant case, the first Appellant and the Respondent had a customary marriage, a Christian marriage and capped it up with a Statutory marriage. By reason of the

statutory marriage, the first Appellant's right to maintenance against the Respondent



crystalized and became fused in and circumscribed by the provisions on right of maintenance contained in the Matrimonial Causes Act, 1970, and she possessed no enforceable independent right of maintenance outside the provisions of the Matrimonial Causes Act. Therefore, the contention of Counsel to the Appellants that the right of a wife of a statutory marriage to maintenance against the husband is independent of the provisions for maintenance contained in the Matrimonial Causes Act is fallacious and misconceived. Going to the rights of the children of a

marriage, it is universally agreed, irrespective of the mode of marriage, and even where the parents are not married, that the father has the primary duty and responsibility to provide for his children's basic needs like food, shelter, and clothing, while also offering emotional support, guidance, and discipline; this is a core obligation of the father. The father also has the duty to provide a safe and secure environment for his children and this includes creating a safe and stable home environment, whether he lives with them or not. The basic duties of a father are to protect his children from harm, to



provide them with food, clothing and a place

to live, to financially support his children, provide safety, supervision and control, to provide medical care and to provide an education. The right of children to maintenance is a fundamental right which all children all over the world are entitled to enjoy because they are young and are unable to provide for themselves and therefore depend on others for survival.

This right is independent of, and is not intertwined with, the right of the mother for maintenance from the father of the child and it also independent of the right of a child to maintenance provided under the Matrimonial Causes Act, 1970. Legal action can be taken to enforce a father's duties to his children and this can involve seeking Court orders for child support. It is the duty of a man at common law to take care of his family - Tabansi Vs Tabansi (2008) LPELR 4365(CA)). This right of the child was reiterated in Section 301 of the Criminal