

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE NYANYA JUDICIAL DIVISION
HOLDEN AT NYANYA ON THE 29TH DAY OF JANUARY, 2020
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE

SUIT NO.FCT/HC/CV/2018/18

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

RACHEAL OSIBU.....PLAINTIFF

AND

JAY OSI SAMUELS.....DEFENDANT

RULING

The Claimant's Reliefs in this Writ of Summons placed under the Undefended List Procedure is as follows:

1. An Order that the Claimant is entitled to the outstanding contract sum of N1,449,000.00 only which became due from 22nd day of May 2017.
2. An Order of accrued interest on the said contract sum of N1,449,000 only at the rate of 10% per annum from the date of Judgement till final liquidation.
3. An order that the Defendant pays the cost of this suit as assessed.

By order 35(1) of the High Court of the FCT (Civil Procedure) Rules 2018, A Writ of Summons placed under the undefended List Procedure shall be in respect of a Claim to recover a debt or liquidated money demand. Looking through the Claim as produced, Claim I is declaratory. Claim II is a bare Statement. Claim III is hollow. It does not claim anything. It is still good law that a declaratory relief cannot be granted unless some evidence is adduced.

The Claims are not succinct and clear enough to be granted. The Writ of Summons is complex and incompetent. It is accordingly struck out.

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HON. JUSTICE U.P. KEKEMEKE

(HON JUDGE)

29/01/20