

IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT JABI, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE D. Z. SENCHI

HON. JUDGE HIGH COURT NO. 13

COURT CLERKS: T. P. SALLAH & ORS

FCT/HC/CV/57/2019

DATE: 10/02/2020

BETWEEN

1 UNITED BANK FOR AFRICA PLC } CLAIMANTS/RESPONDENTS
2. TRADE BANK PLC }

AND

1. FIRST BANK OF NIGERIA PLC } DEFENDANTS/RESPONDENTS
2. ASO SAVINGS AND LOANS PLC }
3. NDLANG NIGERIA LIMITED }
4. BWARI AREA COUNCIL, ABUJA }
5. ABIJO PROPERTIES NIG.LTD }

RULING/JUDGMENT

Parties:- Absent.

Hamid Ogunbayi:-For the Claimant

EfeG. Daniel:-Holding the brief of AyodejiOdu for the 1st
Defendant.

EtukaKpan Florence:-For the 2nd Defendant.

Martina Daju:-For the 4th Defendant.

P.C.Ihunweze:-For the 5th Defendant.

Hamid:- The case is for hearing. None of my witnesses are
in Court. In the circumstance I apply for an
adjournment.

Court:- This case is slated today for hearing. The
witnesses for the Claimant are not in Court. It

would be recalled that on the 20th November, 2019 this Court stated as follows:-

“Case adjourned to the 10th February, 2020 at the instant of the Claimant’s Counsel to assemble all their witnesses in the case and in the event the Claimant failed to assemble all its witnesses, this suit would be dismissed.”The claimant has refused, Failed or neglected to abide by the order of this Court by producing his witnesses to testify before the Court.

It would be further recalled that this suit was first filed on 26th October, 2009 roughly about 10 years ago but the Claimant is yet to commence trial. And it was on the basis of the age of this case pending in Court without final determination that this Court made it crystal clear on 20th November,2019 that if the Claimant fail to assemble all his witness for trial, the case would be dismissed. The Claimant has failed to assemble the witnesses and this clearly demonstrates the fact that the Claimant is not interested in this suit. It would be a shame on the part of this Court to allow this matter to continue pending in its dockets. By my case management, a civil matter, no matter the number of witnesses to be called should not last for more than two years without final determination.

In the instant case, the claimant’s suit is hereby dismissed. Cost of N20, 000.00 is hereby awarded to each of the Defendants against the claimant.

HON. JUSTICE D.Z. SENCHI

(PRESIDING JUDGE)
10/02/2020