

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT GUDU - ABUJA**

**ON WEDNESDAY THE 3<sup>RD</sup> DAY OF MARCH, 2020.**

**BEFORE HIS LORDSHIP; HON. JUSTICE MODUPE OSHO-ADEBIYI**

**MOTION NO: M/9276/19**

**BETWEEN**

**MEGA-CHUNAZIL KONSALT LTD -----CLAIMANT/APPLICANT**

**AND**

- 1. TENETEN NIGERIA LIMITED----- DEFENDANTS/RESPONDENTS**
- 2. MR. ATENYADOR TETENTA**

**RULING**

This case was adjourned to today the 3<sup>rd</sup> day of March, 2020 for ruling on the substantive application. However having gone through the counter affidavit of the Defendants/Respondents, particularly paragraphs 6, 8, 9, 10 and 15 which is reproduced below as follows.

6. That whatever breach of contract is a result of unforeseen business circumstances in which the Respondents are on their toes making all efforts to proffer solutions.

8. That from the wordings of the contract term the tenure of the agreement is still running.

9. That the Respondents are making all effort to remedy the differences as it concerns payment of Return of Investment to the Applicant.

10. That the Respondent is very optimistic that before the tenure of the contract elapses it would have finished payment of the monies owned to the Applicant.

15. That the Respondent did not ignore, neglect or failed to pay up the debt but have passionately appeal to the Applicant to be patient

with her so she can recover monies owed her from her own debtors and therefore pay up but the Applicant is impatient.

Based on the above paragraphs of the Defendants/Respondents counter affidavit and on the premise that courts are enjoined to support and promote settlement amongst parties this Honourable Court will give parties 90days to enable parties settle.

However if parties are unable to settle in line with the Defendants/Respondents paragraphs of counter affidavit reproduced above then the Court at the expiration of 90days will have no choice than to appoint an arbitrator for the Defendants/Respondents, if Defendants/Respondents fail to so appoint.

**Parties:** Absent

**Appearances:** Dickson Omaiye for the Claimant/Applicant. No appearance for the Defendants/Respondents.

**HON. JUSTICE M. OSHO-ADEBIYI**

**JUDGE**

**3<sup>RD</sup> MARCH, 2020**