

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT MAITAMA – ABUJA**

**BEFORE HIS LORDSHIP: JUSTICE SALISU GARBA  
COURT CLERKS: FIDELIS T. AAYONGO & OTHERS  
COURT NUMBER: HIGH COURT TWO (2)  
CASE NUMBER: FCT/HC/CV/237/2019  
DATE: 17<sup>TH</sup> JULY, 2020**

**BETWEEN:**

**1. BAHAGO SERVICES LIMITED - CLAIMANTS  
2. ABDULKARIM TIJJANI**

**AND**

**NATIONAL EMERGENCY MANAGEMENT AGENCY - DEFENDANT**

Parties absent.

Ifeoluwa Adigun for the Claimant.

Claimant's Counsel – The Defendants are not in court and not represented. The Defendants are aware of today's date as hearing notice was served on them.

The matter is for judgment. I pray the court to deliver same.

Court – From the proof of service before the court the Defendants were served with hearing notice against today's date on 15/7/2020 and they duly acknowledged same.

In the circumstance, I hold that the Defendants are aware of today's date but elect not to be in court.

This is the court's decision.

## **R U L I N G**

By a writ of summons brought under the Undefended List Procedure, the Claimants claims as follows:

1. An Order of this Honourable Court for payment of the sum of N3,006,250.00 (Three Million, Six Thousand and Fifty Naira) only by the Defendant to the Claimants being debt owed the Claimants by the Defendant for the supply of relief materials.

The writ is supported by a 16-paragraph affidavit and 7 exhibits marked as Exhibits 1 – 7 respectively.

The gist of the Claimant's case is that the Defendant awarded a contract for the supply of 125 bags of Parboiled Rice (50 Kg) to the Claimant at the rate of N24,050.00 per bag. See Contract Award letter attached to the affidavit and marked Exhibit Bahago 1.

That on the 5/1/2017 the Claimant supplied the said 125 bags of Parboiled Rice (50 Kg) at the Defendant's Zonal Office warehouse at 10 David Mark Road, Minna, Niger State and same was received by one Muhammed A.A.. See the Invoice No. 0001, Delivery Note No. 0001 and Store Receipt Voucher No. 2017/003 attached to the affidavit in support and marked Exhibits Bahago 3, 4 and 5 respectively.

That on the 10/9/2019, the Claimant engaged the law firm of Akinlolu Kehinde SAN & co to write a letter of demand to the Claimant for the payment of the debt. See Exhibit Bahago 6 attached to the affidavit in support of the writ of summons.

The Defendant via their letter with Ref. No. NEMA/LU/46/1/31 dated 17/9/2019 acknowledged the receipt of letter of Demand and went on to state that the said contract was under scrutiny. See Exhibit Bahago 7 but take no further step since then, hence the institution of this suit by the Claimant against the Defendant.

From the Proof of Service before the court the Defendant was served with the writ of summons and hearing notices against 13/2/2020 on the 16/1/2020 and same was duly acknowledged.

When the matter came up on 13/2/2020 the Claimants was represented by their counsel (Eloka J Okoye Esq.) while the Defendant was absent and not represented by counsel nor file Notice of Intention to Defend the suit together with an affidavit disclosing defence on the merit.

Based on this, the learned counsel for the Claimant prayed the court to enter judgment for the Claimants against the Defendant as per the writ before the court.

On the part of the court after listening carefully to the submissions of the learned counsel for the claimant and going through the processes filed in this suit, it is clear that the Defendant was served with the writ of summons in this suit on the 16/1/2020 but they didn't file Notice of Intention to defend the suit.

In the circumstance, the only option left for the court is to enter judgement for the Claimant against the Defendant. See Order 35 Rule 4 of the Rules of this court and the case of HAIDO v USMAN (2004) 3 NWLR (Pt 857) 65.

In view of what is stated above, judgment is hereby entered for the claimant against the defendant in the sum of N3,006,250.00

(Three Million, Six Thousand and Fifty Naira) only being the cost of 125 bags of Parboiled Rice (50 Kg) supplied to the Defendant by the Claimant at the former request.

**(Sgd)**  
**JUSTICE SALISU GARBA**  
**(PRESIDING JUDGE)**  
**. 17/07/2020**

Claimant's Counsel – We are most grateful.

**(Sgd)**  
**JUSTICE SALISU GARBA**  
**(PRESIDING JUDGE)**  
**. 17/07/2020**