

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION (APPELLATE DIVISION)
HOLDEN AT COURT 11, BWARI, ABUJA

BEFORE THEIR LORDSHIP:

HON. JUSTICE S. B. BELGORE (PRESIDING JUDGE)

HON. JUSTICE A. A. FASHOLA (HON. JUDGE)

CLERKS:

ESEOGHENE EJOVI

GBENGA FATADE

PRECIOUS UGO DIKE

SUIT NO: FCT/HC/CVA/354/19

M/101/21

DATE: 16/9/21

BETWEEN:

AYODEJI AKINJOKUN..... APPELLANT

AND

1.GLOBACOM LIMITED

2.IDEHEN ELVIS.....RESPONDENTS

RULING

This M/101/2021 prayed for five reliefs as can be seen on the face on the Motion papers. In support is an 11-paragraphs affidavit and a written address. No annexures to the affidavit.

The appellant, who is a legal practitioner and who has chosen the option to appear and argue the appeal in person relied on all the processes filed and adopted the written address as his argument. He urged us to grant all the reliefs he asked for. In reply, learned Counsel to the 1st Respondent objected NOT to the grant of prayers 1 – 3 BUT to prayer 4. Prayers four, deals with the filing of appellant Brief. It relates to Extension of time to grant same. It reads:

“Court Extending AN ORDER OF THE COURT EXTENDING THE TIME WITHIN WHICH THE APPELLANT/APPLICANT MAY FILE AND SERVE HIS BRIEF OF ARGUMENT.”

The above is the limited prayers the appellant has asked for in prayer 4. No deeming prayer. It means he would then proceed to file when that Order is granted. That is the implication.

But now, the appellant from the Record transmitted to us has already filed his Brief. Can the Court/us now deemed it as properly filed and served? No. We cannot. The Court is not a father Christmas or a gratuitous agent that can dole out what I call gifts. Prayers not asked for cannot be granted. See a Legion of authorities on this **EZENWATA & ORS VS NZENWATA (2016) LPELR 41089 (CA)**

In effect therefore, these 4 principal prayers are hereby granted. And for clarity purpose, and notwithstanding the fact that the Appellant had earlier filed a Brief of argument on 17/12/2020, he has to re-file again if he so desires. It is to his own advantage but more to the advantage of the government who will now receive another revenue for Re-filing.

This application in essence is granted as prayed.

Suleiman B. Belgore

(Presiding Judge)

16/9/21

A. A. Fashola

(Judge)

16/9/21

APPEARANCES:

AYODEJI AKINJOKUN APPEARED FOR HIMSELF

B. A. ADOKWU FOR 1ST RESPONDENT

2ND RESPONDENT NOT REPRESENTED