

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)

CLERK:

- (1) ESEOGHENE EJOVI
- (2) GBENGA FATADE
- (3) PRECIOUS UGO DIKE

SUIT NO: FCT/HC/CVA/386/20

M/653/20

DATE: 14/9/21

BETWEEN:

MR. VICTOR ONYILOKWU..... APPELLANT

AND

ENGR. & MRS. ABIDEMI ALABI.....RESPONDENT

RULING

This Ruling concerns the Motion No. M/653/2020 just moved about 10 minutes ago. The Motion prayed for leave to amend this Notice of Appeal and a deeming order that the proposed amended Notice of appeal has been properly filed and served.

In support is an 11-paragraphs affidavits with Exhibits A – F attached and a written address. Learned Counsel to the

appellant/applicant relied on all the process and urged us to grant the application.

In opposition, Mr. Okonta of Counsel to the Respondent conceded that they filed no counter-affidavits but submitted that the application is an abuse of Court process. He argued that the same application had earlier been taken and ruled upon by this Court. He cited two authorities to wit: **7-UP BOTTLING CO. VS. ABIOLA & SONS BOTTLING CO. LTD (Supra)** and **VAVEX INTERNATIONAL CO. LTD VS. I.B.W.A (Supra)**.

We have considered this application. We perused the record and found at paragraphs 3 – 19 thereof a well-considered and lengthy Ruling of their lordship C. Agbaza J. and Babangida Hassan J. The Ruling was in respect of M/330/2020. We went further to mirror the present Motion M/653/20. What we saw was bizarre and a big surprise. The M/653/20 is the same M/330/21 except for the Motion number and dates of filing. This is really sad. It is a clear case of abuse of Court process. In fact, if this is not so, then the concept of abuse of Court process, though imprecise, would have no meaning and the judicial process in adjudicating would be the worse for it.

The cases of **7-UP BOTTLING CO. LTD (Supra)** and **VAVEX INTERNATIONAL CO. LTD (Supra)** cited by Mr. Okonta of Counsel to the Respondent are apt, relevant and most appropriate. We have no hesitation in applying them now and thereby upholding is brilliant submission. This application is bereft of all merit and it is hereby refused.

Suleiman B. Belgore
(Presiding Judge)
14/9/21

A. A. Fashola
(Hon. Judge)
14/9/21

APPEARANCES:

PETER O. OFIKWU ESQ.

S. N. OKONTA ESQ.

FOR APPELLANT

FOR RESPONDENT