

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON MONDAY THE 11TH DAY OF OCTOBER, 2021

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA

JUDGE

SUIT NO.: FCT/HC/BW/CV/1682/2016

BETWEEN:

HAIR EXCELLENCE TOTAL BEAUTY LIMITED ----- } PLAINTIFF

AND

1. ETHA VENTURES LIMITED
2. H-MEDIX PHARMACY LIMITED
3. MOHAMMED IBRAHIM HUSSEIN
4. MOHAMMED AISHATU
5. IBRAHIM BILKISU MAI

} ----- DEFENDANTS

COURT BENCH RULING:

It is a clear provision of the Court Rules that when a matter is called up, the Plaintiff is not in Court without reason and the Defendants are in Court, the Court can go on to Strike Out the matter.

The Record of Proceeding in any matter shows the antecedents of parties especially the Plaintiff/Plaintiff Counsel in prosecution of a case. This case is not an exception.

This matter started journey from Magistrate Court. It came to High Court in May 2016. Till date issues are yet to be joined.

There had been several adjournments on the part of the Plaintiff/Plaintiff Counsel. The record shows today for the umpteenth time the Plaintiff is not in Court. He is well aware of today's date. See the submission of the 1st Defendant Counsel. But his absence without reason is an absence too many. This Court have had enough. It cannot continue to indulge in the game of absenteeism by the Plaintiff Counsel.

The Court had noted in detail the statement of the 1st – 5th Defendants' Counsels on the Motion, on cost and on Sticking Out the matter. The Court grants that to wit:

- (1) Motion by 1st Defendant Counsel granted.
- (2) Cost of Twenty Thousand Naira (₦20, 000.00) to 1st Defendant Counsel awarded/granted, to be paid by Plaintiff Counsel/Plaintiff.

Matter **STRUCK OUT** for obvious glaring lack of diligent prosecution on the part of the Plaintiff and his Counsel/Plaintiff Counsel.

This is the Bench Ruling of this Court.

Delivered today the ____ day of _____ 2021 by me.

K.N. OGBONNAYA
HON. JUDGE