

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON FRIDAY, THE 23RD DAY OF MARCH, 2022

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

SUIT NO.: FCT/HC/CV/0916/18

BETWEEN:

1. POST-SERVICE HOUSING SCHEME,
KUBWA RESIDENTS ASSOCIATION
2. MAJ. GEN. RAPHAEL B. USORO (RTD) -----
- PLAINTIFFS
3. BRIG-GEN. MOMOH L. YESUFU (RTD)
4. ENGR. AROME OKPANACHI PAUL

AND

1. NIGERIAN ARMY POST-SERVICE
HOUSING DEVELOPMENT LIMITED -----
- DEFENDANTS
2. NIGERIAN ARMY

RULING

It is the exclusive right of the party who had filed a Suit to discontinuance and withdraw same. The wide and utmost limitless discretionary power of the Court does not extend to forcing a party to continue with a matter when such party had decided out of its own volition to discontinuance or withdraw the Suit.

Today, the Plaintiffs in this case have decided to discontinuance and withdraw the Suit against the Defendant in this case. This Court has no reason not to grant them their heart desire.

This Court therefore hereby **STRUCKS OUT** the Suit based on the said application – Notice of Discontinuance/Withdrawal of Matter.

This is the Ruling of this Court.

Delivered today the ____ day of _____ 2022 by me.

K.N. OGBONNAYA
HON. JUDGE