

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL
TERRITORY
HOLDEN AT MAITAMA, ABUJA
ON THE 13TH DAY OF JULY 2022
BEFORE HIS LORDSHIP: HON. JUSTICE MARYANN E. ANENIH
PRESIDING JUDGE.

SUIT NO. FCT/HC/CV/2455/2020

JAMES ADEWALE ADEYEMO PLAINTIFF

AND

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| 1. WALE ALADEJANA
(CARRYING ON BUSINESS UNDER THE
NAME AND STYLE OF “SAPHIRE SCENTS”
AND “SAPHIRE ILLUMINATIONS CONSULT”
OR SAPHIRE ILLUMINATIONS CONSULTING”)
2. SAPHIRE SCENTS AND SAPHIRE GROUP | } | DEFENDANTS |
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RULING

By Writ of Summons and Affidavit in Support filed on 24th August 2020, the Plaintiff commenced the instant suit under the Undefended List Procedure of this Court against the Defendants claiming as follows;

1. *An Order of this Honourable Court directing the Defendants to pay to the Plaintiffs the sum of N12,608,000.00k (Twelve Million, Six Hundred and Eight Thousand Naira only), being the investment sum invested by the Plaintiff in the Defendants’ business and paid to the 1st Defendant’s Sapphire Illuminations Consult’s Guaranty Trust Bank Plc’s Account No. 0128626840, which the Defendants have since failed, refused and/or neglected to pay back to the Plaintiff.*
2. *An Order of this Honourable Court directing the Defendants to pay the Plaintiff’s outstanding returns on his investments which consist of the sum of N3,152,000.00k (Three Million, One Hundred and Fifty Two Thousand Naira Only) due to the Plaintiff from the month of December, 2019 – June 2020.*
3. *An Order of this Honourable Court directing the Defendant to pay the Plaintiff interest on the cumulative debt sum of*

N15,760,500.00k (Fifty Million, Seven Hundred and Sixty Thousand, Five Hundred Naira only) as 10% per annum Court rate from the date of Judgment until final liquidation of the Judgment sum by the Defendants.

- 4. An Order of this Honourable Court directing the Defendant to pay the Plaintiffs their Solicitor's fee as well as cost of filing this action and out of pocket expenses for prosecuting the suit to the tune of N2,000,000.00k (Two Million Naira only), which the Defendants made the Plaintiff to incur as expenses on account of this suit.*
- 5. And for such other and further Order(s) as this Honourable Court may deem fit to make in the circumstance.*

The Plaintiff's Counsel filed a Written Address.

Before the Court is a Notice of Intention to Defend this action filed by the Defendants on 17th November, 2020 with accompanying processes including Affidavit of Disclosure of Defence of Defendants. The Notice is Defendants' reaction to the Writ of Summons and accompanying processes. The Defendants filed a Further Better Affidavit in Support of Disclosure of Defence to which the Plaintiff filed a Reply on points of law on 25th November, 2020.

Being after a careful scrutiny of all these processes, it does appear that the Defendants' proposed defence has raised triable issues which cast a doubt on the Plaintiff's case as presented. It is therefore in this regard that I hold the view that this case would be more effectively determined via the regular Court proceedings.

Consequently, Order is hereby made transferring this matter to the general cause list for hearing. And in the overall interest of justice, parties are ordered to file and exchange pleadings before the next adjourned date.

This case is adjourned to the 19th January 2023 for hearing.

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Honourable Justice M. E. Anenih

APPEARANCES:

I. P. Ndunnego Esq appears for the Claimant.

Defendants unrepresented.