

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT COURT NO. 4, MAITAMA ON THE**  
**18<sup>TH</sup> DAY OF OCTOBER, 2022**

**BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE**

**SUIT NO. FCT/HC/CV/1964/2014**

**COURT CLERKS:** *JOSEPH ISHAKU BALAMI & ORS.*

**BETWEEN:**

**OLUWAFEMI ADEDAYO .....**                      **JUDGMENT**  
**CREDITOR/**

**RESPONDENT**

**AND**

<p><b>1. SARAHA HOMES LIMITED</b></p> <p><b>2. ALHAJI KABIRU HARUNA</b></p> <p><b>3. SUPARCELL REAL ESTATE INT’L LTD</b></p> <p><b>4. ALHAJI IDRIS ALIYU SHUAIBU</b></p> <p><b>5. SUPARCELL DEVELOPMENT LTD</b></p> <p><b>6. BARR. DONALD ARIKU</b></p>	}	<p><b>JUDGMENT DEBTORS/ APPLICANTS</b></p>
---	---	--

**RULING**

I have read the Judgment Debtors/Applicants’ Motion on Notice and Affidavit, and the Judgment Creditor’s Counter Affidavit. I have also considered the Written Addresses of Counsel.

The Motion seeks for leave to file their Notice of Appeal at the Registry of the Appeal Unit of the High Court of the Federal Capital Territory.

(2) An Order deeming the Notice of Appeal as properly filed and served.

(3) Stay of execution.

The Judgment Debtors/Applicants did not seek for extension of time to appeal. In the circumstance, leave to appeal cannot be granted.

To grant an application for stay of execution, there must be a competent appeal. In the instant case, no competent Notice of Appeal pending before this Court.

There is no evidence that the Records of Appeal has been transmitted to the Court of Appeal. In the circumstance, appeal has not entered.

This Court will not lightly deprive a successful litigant of reaping the fruits of this Judgment. The application lacks merit. It is dismissed.

---

**HON. JUSTICE U. P. KEKEMEKE**  
(HON. JUDGE)  
18/10/2022

Judgment Creditor present.

Judgment Debtors absent.

Chika Henry Ezeh, Esq. for the Judgment  
Creditor/Respondent.

Joshua Ezebialu, Esq. for the 3<sup>rd</sup> – 6<sup>th</sup> Judgment  
Debtors/Applicants.

**COURT:** Ruling delivered.

(Signed)

**HON. JUDGE**

18/10/2022