

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT KUBWA, ABUJA**

**ON THURSDAY THE 6<sup>TH</sup> DAY OF OCTOBER, 2022**

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

**SUIT NO.: FCT/HC/BW/CV/81/2022**

**BETWEEN:**

**MAXWELL OPARA, ESQ.**

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**PLAINTIFF**

**AND**

**1. FEDERAL MINISTRY OF FINANCE**

**2. AUDITOR-GENERAL OF THE FEDERATION**

**3. ACCOUNTANT-GENERAL OF THE FEDERATION ---**

**4. CENTRAL BANK OF NIGERIA**

**5. ECONOMIC AND FINANCIAL CRIMES COMMISSION**

} **RESPONDENTS**

## **RULING**

Generally, it is the right of a party who has instituted an action to seek for the withdrawal if the parties or some of the parties have been joined.

The wide and unending discretion of the Court does not allow a Court to force a party to continue with a matter

it has instituted when such party has indicated interest to withdraw such Suit.

In this case, today, the Plaintiff has applied to withdraw the Suit. Initially, there were Five (5) Defendants. The 4<sup>th</sup> Defendant who have Counsel representation in Court has asked for Two Million Naira (₦2, 000,000.00) as cost, having, according to their Counsel, filed Memorandum of Appearance and other Processes.

Today also there are Two (2) applications by two (2) parties – Attorney-General of Akwa Ibom represented by an SAN in the person of Uwemedimo Nwoko Esq. and another Learned Counsel – O.J. Iheko representing River State Government. Both want to be joined. They have announced their intention before the Plaintiff Counsel applied for withdrawal of the Suit based on their client’s instruction. Both did not seek for any cost having not been joined as parties.

The Plaintiff Counsel opposed cost because, according to them, issues were yet to be joined in the Suit.

Yes, cost follows event but the event in this case is not strong enough to attract cost of Two Million Naira (₦2, 000,000.00). However, since the 4<sup>th</sup> Defendant has been in Court since morning and has entered appearance, it is reasonable to award cost to at least cover the stress of being in Court today and transportation fare.

*Application for withdrawal GRANTED.*

*Cost of Ten Thousand Naira (₦10, 000,000.00) awarded against the Plaintiff in favour of the 4<sup>th</sup> Defendant Counsel.*

*This matter is hereby STRUCK OUT today.*

**This is the Ruling of this Court.**

**Delivered today the \_\_\_ day of \_\_\_\_\_ 2022 by me.**

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**K.N. OGBONNAYA**  
**HON. JUDGE**