

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

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT KUBWA, ABUJA**

**ON TUESDAY THE 22<sup>ND</sup> DAY OF NOVEMBER, 2022**

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

**SUIT NO.: FCT/HC/CV/3348/2021**

**BETWEEN:**

**TIMELESS ENTERPRISES RESOURCES          -----          CLAIMANT**  
**MANAGEMENT LTD**

**AND**

**1. GOOD HOMES DEVELOPMENT  
COMPANY LIMITED**  
**2. FEDERAL CAPITAL DEVELOPMENT AUTHORITY**  
**3. MINISTER OF FEDERAL CAPITAL TERRITORY** } **DEFENDANTS**

## **COURT BENCH RULING**

By provision of Order 32 Rule 1 – 4, it is the provision of the law that when a matter is called where the Claimant and the Defendant were duly notified, that if the Claimant fails to be in Court and the Defendant is in Court, that the Court can strike out the matter suo motu or by application of a party.

Today, the Claimant Counsel is absent. The Claimant is also absent and no reason given. The Defendant Counsel had asked that the Court should strike out the matter for want of diligent prosecution.

That application is proper. The Court grants same to wit:  
That this Suit is hereby **STRUCK OUT**.

It is the provision of the same Order 32 Rule 1 – 4 that where a main claim is struck out and there is a Counter-Claim and the Defendant is in Court, that the Court should determine the Counter-Claim and in that case the Counter-Claim will be heard as the main claim and the Defendant/Counter-Claimant can open its case and prove same against the Claimant/Defendant to the Counter-Claim.

This Court hereby having struck out the Suit as earlier filed, now adjourn for the Hearing of the Counter-Claim.

Matter adjourned to the 8<sup>th</sup> day of March, 2023 for Hearing of Counter-Claim.

The Defendant Counsel should inform the Claimant Counsel about the Hearing and ensure that the Bailiff of this Court serve the Defendant to the Counter-Claim' Counsel (Claimant Counsel) with Hearing Notice.

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

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

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