

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA**

**BEFORE HIS LORDSHIP: HON. JUSTICE MUHAMMAD S.  
IDRIS**

**COURT: 28**

**DATE: 27 January, 2023**

**BETWEEN**

**FCT/HC/ CV/3433/2022**

**BAMANGA RAJI ABUBAKAR ESQ  
(CARRYING ON LAW PRACTICE UNDER  
THE NAME AND STYLE OF RAJEES AND ASSOCIATES-----CLAIMANT**

**AND**

**1. MAAB TREASURES INVESTMENT LTD }  
2. MR. ANTHONY S. YARO } DEFENDANTS**

**RULING**

This Ruling is in respect of an action brought under the Undefended List procedure at the instance of the Claimant herein, filed on the 12<sup>th</sup> of October, 2022 together with supporting documents as prescribed by law and seeking the following reliefs to wit:-

*1. A Claim against the Defendants severally and or jointly the balance sum of N8,000,000.00 (Eight Million Naira) only, out of the sum of N9,500,000.00 (Nine Million, Five Hundred*

*Thousand Naira) only, being 5% of the Claimant's professional fees for services rendered to the 1<sup>st</sup> Defendant for the purchase of Plot No. 896 Cadastral Zone B06, Mabushi District-Abuja which was bought for the sum of One Hundred and Ninety*

*2. 10% interest of the judgment sum till it is finally liquidated.*

*3. Cost of prosecuting this Suit.*

The Writ was supported by a 34 paragraphed Affidavit deposed to by the Claimant and annexed thereto also exhibits numbered "Exhibit Raji 1 to 14". The Defendants in response filed their joint notice of intention to defend along with a 20 paragraphed Counter-affidavit deposed to by one Alhassan Yahaya and annexed thereto also exhibits lettered "Exhibit A to C".

Upon adoption of the respective Processes of Parties on December 15, 2022, the Claimant further commended the Court to the Cases of ***AMEDE V. UBA PLC (2018) ALL FWLR (PT. 936) PG. 1569 to 1580 and NPA V. AMINU IBRAHIM AND COMPANY & 1 OR (2018) 12 NWLR (PT. 1682) PG. 62.***

After a careful appraisal of the Processes filed by Parties in this Suit, it is pertinent to state that the Rules of this Honourable Court are clear as to the ambit of Matters commenced through the Undefended List Procedure and what a Defendant must show in the event that he intends to defend the Suit. In the extant Matter, the Claimant by way of the depositions in his Affidavit in support of the Writ entered into an oral agreement with the

Defendants to render professional legal services and wherein his professional fees were pegged at N9,500,000.00 (Nine Million, Five Hundred Thousand Naira) only. The Claimant further averred that a part payment in the sum of N1, 500,000.00 (One Million, Five Hundred Thousand Naira) only was paid to him sometime in October 2021, leaving a balance of N8,000,000.00 (Eight Million Naira) only unpaid till date. However, the Defendants vide depositions in their Counter-affidavit in support of their Notice of intention to defend denied categorically that any such oral agreements were made and in fact averred that the Claimant's professional fees which was N1,500,000.00 (One Million, Five Hundred Thousand Naira) only had been fully liquidated with no outstanding balance left.

Having carefully gone through the respective exhibits attached to the Processes of the Claimant and that of the Defendants, I must note that it is not the duty of the Court to speculate or embark on any conjecture but rather, the Court must act on raw available evidence before it. See ***RAJI V. STATE (2014) LPELR-24254 (CA)***.

To this end and having weighed the submissions of both parties, sadly but rightly so, the scale tilts towards the Defendants as I hold the view and firmly too that Defendants have disclosed a defence on the merit. The extant Case and this decision arrived at ought to serve as a wake-up call to individuals and Lawyers alike who based on trust and affiliation may enter into oral agreements

with clients. It is therefore as a result of this that the hands of the Court are tied.

In light of the foregoing, leave to defend the Suit of the Claimant is hereby granted to the Defendants and the Suit removed from the Undefended List and placed on the Ordinary Cause List. Pleadings are hereby ordered.

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**HON. JUSTICE M.S IDRIS  
(PRESIDING JUDGE)**