

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON THURSDAY, THE 4TH DAY OF MARCH, 2021

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

JUDGE

SUIT NO. FCT/HC/CV/852/17

BETWEEN:

- 1. GURAMA INVESTMENT LIMITED**
- 2. YUSUF SULEIMAN KASSIM**
- 3. MOGOSHEN AUTOTECH NIGERIA LIMITED**
- 4. KUNLERE MOTOLANI A**
- 5. OGBADU AUGUSTINA**
- 6. KUNLERE MOTOLANI**
(carrying on business under the name &
Style of FOLAD VENTURES)

..... } **PLAINTIFFS**

AND

- 1. ABUJA ELECTRICITY DISTRIBUTION COMPANY PLC**
- 2. NIGERIAN ELECTRICITY REGULATORY COMMISSION**

} ---- **DEFENDANTS**

JUDGMENT/DISMISSAL

This matter was transferred to this Court on the 9/11/18 the Suit was filed on the 7/2/17. In the Writ the Plaintiffs claim against the Defendants jointly and severally as follows:-

1. A declaration that the disconnection of electricity supply to the 1st Plaintiffs' property situate at PFS 31, Ajata, Orozo, Karshi Express way, Abuja by the 1st defendant on the 5th September, 2016 without any written notice to the Plaintiffs is illegal, null and void.
2. A declaration that the 1st defendant failed, neglected or refused to adhere to the procedure for disconnection of electricity supply as outlined in section 5 of the Nigeria Electricity Regulatory Commission's and disconnection for Electricity services, 2007 in disconnecting the electricity to the 1st Plaintiff's property.
3. A declaration that the 1st defendant's failure and/or refusal to reconnect the Plaintiffs' electricity supply despite the repeated demands for the 1st defendant to so do is a clear violation of the Commission's Customer service standards of performance for Distribution Companies, 2007.
4. An Order of Court compelling the Defendants, its agents, assigns, servants and privies or otherwise howsoever to immediately reconnect the electricity supply to the plaintiffs' property situate at PFS 31, Ajata, Orozo, Karshi Express way , Abuja henceforth.
5. An order directing the defendants, its agents, assigns, servants and privies or otherwise howsoever to immediately install 6 pieces of prepaid meters on the 1st Plaintiff's property for the benefit of the 1st -6th Plaintiffs.
6. An order of perpetual injunction restraining the defendants, their agents, assigns, servants and privies or otherwise howsoever from unjustly

disconnecting the plaintiffs electricity power supply at any other time in the future.

7. An order of this Court directing the defendants to pay the plaintiffs the sum of ₦720,000 as special damages for cost of providing alternative energy for 144 days at the cost of ₦5,000 daily from the 6th day of September, 2016 to the 1st day of February, 2017.
8. An order of Court directing the defendants to pay the Plaintiffs the sum of ₦5, 000 daily from the 2nd day of FEBRUARY, 2017 till the electricity supply to the Plaintiff's premises is reconnected.
9. An order of the Court directing the Defendants to pay to the Plaintiff's the sum of ₦10, 000,000.00 (ten Million Naira) only as general damages.
10. An order of the Court directing the Defendants to pay to the Plaintiffs the sum of ₦5, 000,000.00 (Five Million Naira) only as cost of litigation.

COURT:

UPON an Oral application for dismissal of this suit by the Counsel to 1st and 2nd Defendants made on the 4th day of March,2021 pursuant to Order 32 Rule 4 High Court Rules 2018 for the following reason:

THAT the matter be dismissed since the Plaintiff have not made appearance for 3 consecutive times despite service of hearing notices on him on each adjourned date the matter is coming up.

WHEREAS this Honorable Court in the interest of Justice after going through the history of the case and the Oral Application as moved by Counsel to 1st and 2nd Defendants, hereby holds as follows:-

THAT the Application is in tandem with the extant provisions of the Rules of the Court in that regards.

THAT this Court therefore grants same to wit:

That this Suit FCT/HC/CV/852/17 is hereby dismissed based on clear lack of diligent prosecution by the Plaintiffs.

This matter is therefore DISMISSED and this case closed.

This is the Ruling/Judgment of this Court.

Delivered today the ____ day of _____ 2021 by me.

K.N. OGBONNAYA
HON. JUDGE