

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE H. MU'AZU

ON TUESDAY 3rd DAY OF MARCH, 2021

SUIT NO: FCT/HC/CV/018/2021

BETWEEN:

AHMED SEKURE CLAIMANT.

AND

- (1) PAYGREENS SALES LIMITED DEFENDANT.
- (2) SULEIMAN ATODO
- (3) ABUBAKAR ATODO
- (4) MUSA ATODO

JUDGMENT

Mayowa Ajiloye for the Claimant the Defendants are not in Court and not represented.

M. A: - we seek to proceed with the matter the Defendants are aware of today.

Court: - Proceed.

M. A: - Today is the 3rd time the matter will be coming for hearing. The Defendants have been absent in every single date. On the last adjourned date we gave them an opportunity to come and they have failed to respond. It is a text book case of an

UNDEFENDED LIST suit where the Claimant is claiming that the Defendants are indebted to him. The nature of the indebtedness is clear as far the writ and the attached documents. We are claiming the sum of ₦100, 000,000.00 being sum owed to the Claimant and 10% post judgment interest. The Defendants are expect to submit a notice of intention to defend and a Counter Affidavit containing a defense on the merit. They have not done that. The Court is bound to take the claim as unchallenged and uncontroverted. **See: - ADESANYA V. OTUEWU (1993) 1 NWLR (Pt.217) 414 at 456 SC & OZODIMMA V. EZUNASU 2 (2011) 17 NWLR (Pt.1275) 30 at 56 SC.** We pray that the Court grant the relief as prayed in the writ of summons.

Court: -

In the absence of any defense offered as required for the Undefended List procedure, there is title left for the Court to consider. The Claimant has approached this Court vide a Writ of Summon which was accompanied by an affidavit stating that the Defendants have no defense to the suit as in Order 35 Rule 4 of the FCT High Court Civil Procedure Rules. Normally, unless the Defendants file a notice of intention to defend and Counter affidavit prevailing a defense on the merit, the Claimant claim must succeed. The Claimant in this matter claiming the sum of ₦100,000,000.00 as debt owed to him and 10% Post Judgment interest until final liquidation of judgment sum.

The Claimant's case succeeds and the judgment is hereby entered in favour of the Claimant as per his claims in this suit.

**SIGND
HON. JUDGE
3/03/2021.**

LEGAL REPRESENTATIONS

- (1) Mayowa Ajileye for the Claimant.
- (2) Defendant's Counsel not in Court.