

**IN THE HIGH COURT OF JUSTICE OF THE F. C. T.**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDING AT APO, ABUJA**  
**ON WEDNESDAY THE 30<sup>TH</sup> DAY OF JUNE, 2021**  
**BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA**  
**JUDGE**

**SUIT NO: FCT/HC/CV/101/2021**

**BETWEEN:**

**AJOKS GLOBAL SOLUTIONS LTD**

**CLAIMANT**

**AND:**

**1. FIRST CITY MONUMENT BANK LTD**

**2. TURNER CONSTRUCTION NIG LTD**

**DEFENDANTS**

**CONSENT JUDGMENT**

**Emmanuel Edibo** appears for the Claimant who is not in Court.

The Defendant is represented by SuleElokama.

**Counsel for the Claimant:** Upon serving the Defendant the Court processes, the parties agreed to settle the matter.

The Terms of Settlement as agreed by the parties is dated 01/06/2021 and filed 23/06/2021. We wish to adopt same as Judgment of the Court.

**COURT:** By a Writ of Summon dated and filed on the 15<sup>th</sup> of January, 2021, the Claimant claimed against the Defendants as follows:-

- (a) A Declaration that the contract between the Claimant and the Defendants for the purchase of 4bedroom, Block 2 Duplex 1 No. 5 Santana Close, Edubank Quarters, off Aminu Kano Crescent, situate at Plot No. Ao7/567 Cadastral Zone, Wuse II, Abuja has been validly consummated, sealed and concluded.

- (b) A Declaration that the 1<sup>st</sup> Defendant's letter dated December 11, 2020 terminating the contract and the subsequent refund of money to the Claimant's account is null and void and of no effect whatsoever on the contract.
- (c) An Order for specific performance compelling the Defendants jointly and severally to execute Deed of Assignment and Power of Attorney in respect of 4 bedroom, Block 2 Duplex 1 No. 5 Santana Close, Edubank Quarters, Wuse II, Abuja and to deliver the Certificate of Occupancy in respect of the above subject matter and all the title documents as well as physical possession thereof to the Claimant immediately.
- (d) Mense profit in the sum of ~~N~~500,000.00 monthly from 1<sup>st</sup> January, 2021 until Judgment.
- (e) The cost of this suit in the sum of ~~N~~3,000,000.00 (Three Million Naira) only.

#### IN THE ALTERNATIVE

- a. Special damages against the 1<sup>st</sup> Defendant in the sum of ~~N~~60,000,000.00 (Sixty Million Naira) only for financial losses suffered as a consequence of the action of the Defendant.
- b. ~~N~~500,000,000.00 (Five Hundred Million Naira) only against the 1<sup>st</sup> Defendant as general damages for false representation and breach of contract.
- c. The cost of this suit in the sum of ~~N~~3,000,000.00 (Three Million Naira) only.

The suit came up for the first time today and learned Counsel informed this Honourable Court that the parties have settled their dispute and, accordingly, have filed their Terms of Settlement. The Terms of Settlement filed by the parties is reproduced verbatim hereunder:-

## TERMS OF SETTLEMENT

### WHEREAS

1. The Claimant's claims against the Defendant are as contained in the Writ of Summons dated January 15, 2021 and are as follows amongst others:
  - i. A Declaration that the contract between the Claimant and the Defendants for the purchase of 4 bedroom Block 2 Duplex 1 No. 5 Santana Close, Edubank Quarters, off Aminu Kano Crescent situate at Plot No. A07/567 Cadastral Zone, Wuse II Abuja has been validly consummated, sealed and concluded.
  - ii. A Declaration that the 1<sup>st</sup> Defendant's letter dated December 11, 2020 terminating the contract and the subsequent refund of money to the Claimant's account is null and void and of no effect whatsoever on the contract.
  - iii. An Order for specific performance compelling the Defendants jointly and severally to execute Deed of Assignment and Power of Attorney in respect of 4 bedroom Block 2 Duplex 1 No. 5 Santana Close, Edubank Quarters, off Aminu Kano Crescent situate at Plot No. A07/567 Cadastral Zone, Wuse II, Abuja and deliver the Certificate of Occupancy in respect of the above subject and all the title documents as well as physical possession.
  - iv. Mense profit in the sum of ₦500,000.00 monthly from January 1, 2021 until Judgment.
  - v. The cost of this suit in the sum of ₦3,000,000.00 (Three Million Naira) only.

In the alternative

- I. Special damages against the 1<sup>st</sup> Defendant in the sum of ₦60,000,000.00 (Sixty Million Naira) only for financial losses suffered as a consequences of the action of the Defendant.
  - II. ₦500,000,000.00 (Five Hundred Million Naira) against the 1<sup>st</sup> Defendant as general damages for false representation and breach of contract.
  - III. The cost of this suit in the sum of ₦3,000,000.00 (Three Million Naira) only.
2. The parties to this suit have agreed to settle all disputes amicably out of Court upon the following terms:
- (a) The Defendant without admitting liability shall pay to the Claimant the sum of ₦10,000,000.00 (Ten Million Naira) only being damages for alleged breach of contract, specific performance and financial losses suffered by the Claimant.
  - (b) Upon the payment of the aforesaid ₦10,000,000.00 (Ten Million Naira) only to the Claimant, the Defendant shall be totally discharged of all liabilities or obligations in relation to this suit or claims/matters directly or indirectly related thereto.
  - (c) Further to “b” above, the Claimant shall discontinue its claims against the Defendant in this suit in its entirety.
  - (d) The Claimant hereby relinquish any further right of action against the Defendant in this suit or any claim related thereto whether now or future.
  - (e) Each party shall bear its own cost.
  - (f) The rights and obligations of the parties set out in the Terms of Settlement shall become effective upon execution of the Terms of Settlement by the parties.

(g) These Terms of Settlement shall be enrolled as the Judgment of the Honourable Court.

Dated this 1<sup>st</sup> day of June, 2021.

The Claimant, its Counsel and the Defendant duly executed the Terms of Settlement.

**COURT**

The Terms of Settlement dated 01/06/2021 and filed on 23/06/2021 is hereby entered as Consent Judgment of this Court.

**Being today, the 30/06/2021.**

**HON. JUSTICE A. H. MUSA  
JUDGE  
30/6/2021**

**APPEARANCES:  
FOR THE CLAIMANT:  
Emmanuel EdiboEsq.**