

IN THE HIGH COURT OF JUSTICE OF THE F. C. T.
IN THE ABUJA JUDICIAL DIVISION
HOLDING AT APO, ABUJA
ON THURSDAY THE 15TH DAY OF JULY, 2021
BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA
JUDGE

SUIT NO: FCT/HC/CV/174/2021

BETWEEN:

HALEC INVESTMENT SERVICES NIG. LTD

CLAIMANT

AND:

ANCHOR-NUEL RESOURCES LIMITED

DEFENDANT

CONSENT JUDGMENT

SulelkordemeEsq.: appears for the Claimant.

Counsel for the Claimant: The matter is supposed to be for hearing. However, parties have settled and this morning, we filed our Terms of Settlement.

In the circumstances, we humbly apply to withdraw the Motion on Notice and that Consent Judgment be entered instead.

COURT: By a Writ of Summons dated and filed on the 25th of January, 2021, the Claimant claimed from the Defendant the following:-

1. An Order directing the Defendant herein to pay to the Claimant the sum of ₦17,492,999.50K (Seventeen Million, Four Hundred and Ninety-Two Thousand, Nine Hundred and Ninety-Nine Naira, Fifty Kobo) being outstanding and unpaid contract sum owed by the Defendant to the Claimant in respect of sub-contract between the Defendant and the Claimant for the construction of 5.01KM roads in

AgbaniAmagunze Road Anibite/Ihuokpara farm settlement FADAMA 3 AF Enugu State.

2. An Order awarding general damages in the sum of ₦5,000,000.00 (Five Million Naira) only against the Defendants and in favour of the Claimants for the Defendant's breach of the terms of the sub-contract agreement between the Defendant and the Claimant for the construction of 5.01KM roads in AgbaniAmagunze Road Anibite/Ihuokpara farm settlement FADAMA 3 AF Enugu State.
3. 10% Post-Judgment interests until reliefs 1 and 2 are liquidated.
4. Provided that allowances shall be made for the costs of this suit.

On the 31st of March, 2021, learned Counsel for the Claimant informed the Court that he and the Counsel for the Defendant met and settled the dispute between the parties and that the agreement between the parties had been reduced into a Memorandum of Understanding. He, therefore, asked for a date to enable the parties file the Terms of Settlement. The matter was accordingly adjourned to the 19th of April, 2021. The Terms of Settlement filed by the parties is reproduced verbatim hereunder:-

TERMS OF SETTLEMENT

WHEREAS

1. The Claimant has sued the Defendant for the following reliefs:
 - a. An Order directing the Defendant herein to pay to the Claimant the sum of ₦17,492,999.50K (Seventeen Million, Four Hundred and Ninety-Two Thousand, Nine Hundred and Ninety-Nine naira, Fifty Kobo) being outstanding and unpaid

contract sum owed by the Defendant to the Claimant in respect of sub-contract between the Defendant and the Claimant for the construction of 5.01KM roads in AgbaniAmagunze Road Anibite/Ihuokpara farm settlement FADAMA 3 AF Enugu State.

- b. An Order awarding general damages in the sum of N5,000,000.00 (Five Million Naira) only against the Defendants and in favour of the Claimants for the Defendant's breach of the terms of the sub-contract agreement between the Defendant and the Claimant for the construction of 5.01KM roads in AgbaniAmagunze Road Anibite/Ihuokpara farm settlement FADAMA3 AF Enugu State.
 - c. 10% post-judgment interests until reliefs 1 and 2 are liquidated.
 - d. Provided that allowances shall be made for the costs of this suit.
2. Upon service of the originating processes on the Defendant, management of the Defendant made an offer to the management of the Claimant for an amicable resolution of the dispute in the said suit which said offer for amicable settlement was accepted by the Claimant and parties resolved as follows:
- a. That the Defendant shall pay to the Claimant the sum of ~~N~~2,000,000.00 (Two Million Naira) only as full and final settlement in respect of the Claimant's claims herein.
 - b. That the Defendant shall pay the said sum of ~~N~~2,000,000.00 (Two Million Naira) only agreed as full and final settlement to the Plaintiff in two instalments by paying the first instalment sum of ~~N~~1,000,000.00 (One Million Naira) only to the Claimant on or before the 26th day of March, 2021, while the

remaining balance of ₦1,000,000.00 (One Million Naira) only shall be paid to the Claimant on or before the 26th day of April, 2021.

NOW THEREFORE THIS TERMS OF SETTLEMENT WITNESSES AS FOLLOWS:

1. That in consideration of the settlement herein reached between the parties, the Claimant herein waives all her original claims against the Defendant in this suit.
1. That the Honourable Court should enter these terms as the Consent Judgment of the parties in this matter.

Dated this 18th day of March, 2021.

The Chairmen/Managing Directors of the parties to the suit duly executed the Terms of Settlement with their Counsel signing as their respective witnesses while it was filed on the 14th of July, 2021.

COURT

The Terms of Settlement dated and filed on 14/07/2021 as signed by parties and their Counsel is hereby granted as Consent Judgment.

In the same vein, the Motion with Motion Number M/578/2021 is hereby struck out from the cause list today being 15/07/2021.

HON. JUSTICE A. H. MUSA
JUDGE
15/07/2021

APPEARANCES:
FOR THE CLAIMANT:

Ejeh Hycent Esq.
Sulelkordeme Esq.

FOR THE DEFENDANT:
No legal representation