

**THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY ABUJA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 13 WUSE ZONE 2, ABUJA
BEFORE HIS LORDSHIP: HON JUSTICE A. S. ADEPOJU.
ON THE 11TH DAY OF NOVEMBER, 2021**

SUIT NO: FCT/HC/CV/1318/2020

BETWEEN:

MAINTENANCE.COM LIMITED.....CLAIMANT

AND

1. LADI MAINASARA LTD

2. ARCH. MOLKAT MUFTWANG }.....DEFENDANTS

T. O. OMOTAYO-OJO *appears with JOHN ABAH for the claimant.*

JUDGMENT

The plaintiff's action was commenced under the provisions of Order 35 Rule 1 of the High Court of Federal Capital Territory Civil Procedure Rule 2018. Under the said Rule, a defendant who is proven to have been served with the undefended writ is to before 5 days to the day fixed for hearing deliver to the registrar of the court a notice indicating that he intends to defend the case. See Order 35 Rule 3 of the Rules of Court 2018. The notice is to be served together with an affidavit disclosing a defence on the merit. The duty of the court therefore is to check whether a notice of intention to defend together with an affidavit disclosing a defence on merit have been filed in accordance with the rules when the case is called up for hearing.

Furthermore, by the provisions of Order 35 Rule 4 of the Rules of Court 2018, where a defendant neglects to deliver the notice of intention to

defend and an affidavit as prescribed by Rule 3(1) or leave is not given to defend by the court, the suit shall be heard as an undefended suit and judgment given accordingly. The defendants in the instant suit have failed to comply with the Rules of court by not filling an affidavit and notice of intention to defend, the plaintiff's claim therefore is adjudged undefended.

It is a claim for liquidated money demand and without much ado; the plaintiff is entitled to Judgment. I have therefore considered all the facts contained in the affidavit in support of the undefended writ together with exhibits attached and the oral adumbration of learned counsel to the plaintiff.

I hold that the plaintiff is entitled to Judgment and hereby enter judgment as per the claim contained in the writ of summons.

Signed

**Hon. Judge
11/11/2021.**