

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP: HON. JUSTICE Y. HALILU

COURT CLERKS : JANET O. ODAH & ORS

COURT NUMBER : HIGH COURT NO. 14

CASE NUMBER : SUIT NO: CV/073/2021

DATE: : TUESDAY 7TH DECEMBER, 2021

BETWEEN:

TUKUR TUKUR BURATAI DEFENDANT

AND

IPC HOMES LIMITED DEFENDANT

CONSENT JUDGMENT

By a Writ of Summons dated on the 12th of January, 2021, and filed on the 14th January, 2021, the Claimant claims against the Defendant as follows:-

- a. A Declaration of this Honourable Court that, there exist a valid and subsisting contract between the Claimant and Defendant with respect to the purchase of 2 plots of land situate at Pepperpik American Estate, Plot No. 361, Cadastral Zone Co7, Galadimawa District, Abuja measuring approximately 400sqm each.
- b. A Declaration of this Honourable Court that upon accepting the Defendant's offer and fulfillment of all relevant terms as contained in the offer letter, including making full payment of the agreed sum of N17,000,000.00 (Seven Million Naira) by the Claimant to the Defendant, the Claimant is entitled

to 2 Plots of land situate at Pepperpike American Estate, Plot No. 361, Cadastral Zone Co7, Galadimawa District, Abuja measuring approximately 400sqm each.

- c. A Declaration of this Honourable Court that the willful failure of the Defendant to deliver the 2 Plots of land situate at Pepperpike American Estate, Plot No. 361, Cadastral Zone Co7, Galadimawa District, Abuja to the Claimant upon full payment of the agreed purchase price in the sum of N17,000,000.00 (Seventeen Million Naira) for more than one (1) year, amounts to a fundamental breach of the contract entered into by the Claimant and the Defendant.
- d. An Order of specific performance of this honourable Court compelling the Defendant to execute necessary formal deed of title in favour of

the Claimant and hand over to the Claimant, 2 plots of land situate at Pepperpike American Estate, Plot No. 361, Cadastral Zone Co7, Galadimawa District, Abuja measuring 400Sqm each as expressly agreed to by parties.

In the alternative to relief 4 above

- e. An Order of this Honourable Court directing the Defendant to immediately refund to the Claimant the sum of N17,000,000.00 (Seventeen Million Naira) representing the sum paid for the purchase of 2 Plots of land situate at Pepperpike American Estate, Plot No. 361, Cadastral Zone Co7, Galadimawa District, Abuja.
- f. An Order of this Honourable Court directing the Defendant to immediately refund to the Claimant the sum of N40,000.00 (Forty Thousand Naira) representing the sum paid for registration as a pre

- condition for purchasing the 2 plots of land situate at Pepperpik American Estate, Plot No. 361, Cadastral Zone Co7, Galadimawa District, Abuja.
- g. Twenty – one percent (21%) pre – judgment interest of N17,040,000.00 (Seventeen Million, Forty Thousand Naira) being the total sum paid by the Claimant to the Defendant from 14th May, 2019 till the date of Judgment.
- h. An Order of this Honourable Court directing the Defendant to pay to the Claimant the sum of N1,600,000.00 (One Million, Six Hundred Thousand Naira) only being cost incurred by the Claimant for prosecuting this matter.
- i. The sum of N50,000,000.00 (Fifty Million Naira) only being punitive, exemplary and general damages.

- j. Ten percent (10%) post judgment interest on the judgment sum from the date judgment is delivered till the judgment sum is liquidated.
- k. And for such further order or other Orders as this Honourable Court may deem fit to make in the circumstances.

COURT:-

Midway into the hearing of this suit, parties indicated desire to settle out of court in consequence of which Terms of Settlement was filed and same adopted by the respective counsel for the Claimant and Defendant and court was urged to enter same as Consent Judgment.

Parties who see reason in resolving their differences by themselves despite instituting matters in court, have a lot to benefit in terms of good human

relationship which shall span through generations..the reason why courts usually advise settlement out of court.. once settlement is arrived at, the court shall give judicial blessing to such terms of settlement by affixing the necessary judicial limbs and infusing judicial blood into same before blowing life into same to make such Terms of Settlement judicially efficacious and locomotive. Claimant and Defendant have filed Terms of Settlement dated the 30th November, 2021 but filed on the 7th December, 2021 which indicates that the issues before the court have been resolved.

Accordingly, judgment is hereby entered for both parties as per the said Terms of Settlement jointly signed by the said representatives of the parties.

Justice Y. Halilu
Hon. Judge
7th December, 2021

APPEARANCE

Abduljaleel M., Esq. – for the Claimant.

AbiodunOgharen, Esq. – for the Defendant.