

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT KUBWA, ABUJA**

**ON TUESDAY, THE 12<sup>TH</sup> DAY OF JANUARY, 2022**

**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**  
**JUDGE**

**SUIT NO.: FCT/HC/CV/362/21**

**BETWEEN:**

**MR. ANAYO NWORIE ----- PLAINTIFF**

**AND**

**1. MRS. JUSTINA OLUOHA } ----- DEFENDANTS  
2. PERSON UNKNOWN } -----**

**BENCH JUDGMENT**

On the 29<sup>th</sup> November, 2021 the Plaintiff – Mr. Anayo Nworie filed this Suit against the Defendants Mrs. Justina Oluoha and Person Uknown.

In the Writ the Plaintiff claims the following Reliefs against the Defendants:

- (1) An Order of this Court that the Plaintiff's rent in the shop situate at Oxygen Shop especially Shop No. 3 Oxygen Mall Asokoro, Abuja is still subsisting and valid having paid the Defendants rent from 2020 – 2024.

- (2) A Perpetual Injunction restraining the Defendants or any other person howsoever described from ejecting or doing anything whatsoever to the Plaintiff's shop/rent until 2024 when the rent paid to the Defendants will be due and renewable.
- (3) An Order of the Court directing the Defendant to pay Five Million Naira (N5, 000,000.00) as cost of this action.

The Rules of Court permits parties to explore amicable settlement of the issues in dispute and have the Terms of Settlement filed in Court.

This Court had earlier scheduled to hear this matter on the 11<sup>th</sup> April, 2022. But the Court was served a Terms of Settlement which the parties have registered in Court and said to be Final Settlement of the issues between them as they had amicably resolved.

It is imperative to note that the Defendants were served with the Writ but had not filed any Defence. But had agreed with the Plaintiff to amicably settle the issues in dispute. Hence the Terms of Settlement.

Because the Terms of Settlement had already been filed, the Court decides in exercise of the discretionary power it has under the Rules of Court, decided to abridge the time and Order that the parties come before this Court today to adopt the said Terms of Settlement respectively.

Today, the parties represented by their respective Counsel had adopted in turn the said Terms of Settlement. They had in turn applied that it be entered as the Judgment of this Court in full and final settlement of the issues in dispute.

The Court had gone through the said Terms of Settlement served on it. But as is required, the Court will read out the said Terms of Settlement and after, enter same as the Consent Judgment of the parties in this case.

The said Terms of Settlement are read out as if it is set here seriatim.

### **TERMS OF SETTLEMENT**

Sequel to the action filed against the Defendants by the Plaintiff and following the subsequent meetings held by the parties in this Suit.

Both parties have agreed to settle their dispute, hence the need to file this Terms of Settlement as thus:

1. *That the Plaintiff rent at **Shop No. 3 Oxygen Mall Asokoro, Abuja** shall terminate by **31<sup>st</sup> day of December, 2025.***
2. *That no person whomever, howsoever described shall vacate or levy execution of the Plaintiff which is **Shop No. 3 Oxygen Mall Asokoro, Abuja** till **31<sup>st</sup> day of December, 2025.***
3. *That the Plaintiff shall pay the sum of **Two Million Naira (₦2, 000,000.00)** only to the Defendants for extra one (1) year rent as a condition for this Judgment.*
4. *That the Plaintiff shall be given the first option of renewal at the expiration of his rent by whomsoever that is in charge of the property now and then.*
5. *That this Terms of Settlement shall be filed and adopted as Final Settlement as Judgment in Court.*

Having read out the said Terms of Settlement which the parties have adopted today before this Court, this Court hereby enter same as Consent Judgment of the parties which has the same efficacy and force as any Judgment delivered by this Court after full Hearing.

**This is the Bench Judgment of this Court.**

**Delivered today the \_\_\_ day of \_\_\_\_\_ 2022 by me.**

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**K.N. OGBONNAYA**  
**HON. JUDGE**