

**MIN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT HIGH COURT MAITAMA – ABUJA**

**BEFORE: HIS LORDSHIP HON. JUSTICE SAMIRAH UMAR BATURE**

<b>COURT CLERKS:</b>	<b>JAMILA OMEKE &amp; ORS</b>
<b>COURT NUMBER:</b>	<b>HIGH COURT NO. 24</b>
<b>CASE NUMBER:</b>	<b>SUIT NO. FCT/HC/CV/1392/2021</b>
<b>DATE:</b>	<b>8/3/2022</b>

**BETWEEN:**

MODESTUS CHUKWULAKA.....CLAIMANT

**AND**

KYC INTER PROJECT LIMITED.....DEFENDANT

**APPEARANCES:**

Christian Hon Esq for the Claimant

**JUDGMENT**

The Claimant filed this suit under the Undefended List Procedure claiming against the Defendant as follows:-

- “(i). An Order directing the Defendant to refund to the Claimant forthwith the liquidated sum of N5, 700,000.00 (Five Million, Seven Hundred Thousand Naira), being money had and received under a failed contract for a purported sale of a plot of land in Sabon Lugbe, Airport Road, Abuja.***
  
- (ii). An Order directing the Defendant to pay to the Claimant 30% per annum post-judgment interest on the said sum of N5, 700,000.00 (Five Million, Seven Hundred Thousand Naira) (or any amount of money entered by the Court as Judgment sum), from August, 2020 (the said money having been paid in full by the Claimant to the Defendant as at July, 2020), until***

***full compliance with the said Judgment or until execution thereof, on a pro rata basis, namely, such percentage being charged per each outstanding amount of the Judgment debt until full compliance therewith or full execution thereof.”***

In support of the Writ is a Verifying Affidavit of 3 paragraphs and a Supporting Affidavit of 43 paragraphs deposed to by the Claimant himself, as well as several Exhibits.

The Claimant herein has clearly set out the facts grounding/predicating his claims before this Honourable Court, particularly in paragraphs 4 – 38 thereof.

In addition, Claimant avers in paragraph 39 thereof that the Defendant has not defence to the claim.

Now the said averments clearly show that the claim is no doubt for debt and liquidated money demand, thereby bringing this suit under matters that can be heard under the Undefended List procedure. I refer to Order 35 Rule 1 of the Rules of this Court.

Likewise, by Order 35 Rule 3 of the rules of this Court 2018, a Defendant who is served with a Writ of Summons under the Undefended List procedure and who wishes to defend the suit, must file his Notice of Intention to Defend together with an Affidavit disclosing a defence on the merit at least five days to the day fixed for hearing.

In the instant case, from the records of the Court and as rightly pointed out by learned Claimant’s Counsel, despite being duly served with the Writ of Summons under the Undefended List procedure as well as hearing notice for today’s sitting, the Defendant has failed, refused or neglected to file the Notice of Intention to Defend together with an Affidavit disclosing a defence pursuant to the rules.

Consequently therefore, Judgment is hereby entered for the Claimant against the Defendant as per the claims as endorsed on the Writ of Summons in line with Order 35 Rule 4 of the F.C.T. High Court Civil Procedure Rules, 2018.

***Signed:***

***Hon. Justice S. U. Bature***

**8/3/2022.**