

**IN THE HIGH COURT OF JUSTICE OF THE
CAPITAL TERRITORY ABUJA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA - ABUJA**

BEFORE: HON. JUSTICE O. C. AGBAZA

COURT CLERKS: UKONU KALU, GODSPOWER EBAHOR & ORS.

COURT NO: 6

SUIT NO: FCT/HC/CV/2648/2019

BETWEEN:

DR. CHUBA CHARLES AGBIM

(Sung through his Lawful Attorney Chukwuerugo Busonma

Nwogu.....**CLAIMANT**

VS

1. ALLIED MERCHANTS & BROKERS LTD

2. MRS ONARI DUKE.....DEFENDANTS

CONSENT JUDGMENT

This Suit was commenced on 14/8/2019 by the Claimant against the Defendants seeking the reliefs as stated in the Writ of Summons/Statement of Claim. After pleading have been exchanged, trial in Suit commenced on 22/9/2022 with the Claimant opening with PW1. And when the case was adjourned for cross-examination of PW1, the parties sought leave of court to explore settlement and consequent the grant the parties, resolved and filed Terms of Settlement dated 1/12/2021 but filed on 5/12/2022, and both counsel for the Claimant and Defendant in court urge the court to enter it as Consent Judgment.

Having carefully considered the said Terms of Settlement filed and herein adopted, I find that this court has a burden duty to enter it as the Consent Judgment of the parties.

Accordingly, the Terms of Settlement dated 1/12/2022 but filed on 5/12/2022 is hereby entered as Consent Judgment of the parties in this Suit. I so order.

TERMS OF SETTLEMENT

1.0 BACKGROUND

1.1 **WHEREAS** the Claimant instituted the instant action against the Defendants for unpaid as follows:-

- (a) The sum of ₦32,900,000.00k (Thirty-Two Million, Nine Hundred Thousand Naira) being the amount outstanding from the period of 01/01/2018 to 31/12/2018.
- (b) The sum of ₦32,900,000.00k (Thirty-Two Million, Nine Hundred Thousand Naira) being the amount outstanding from the period of 01/01/2018 to 31/12/2018.
- (c) A total outstanding amount of the sum of ₦65,800,000.00k (Sixty Five Million, Eight Hundred Thousand Naira)

2.0 DESIRE FOR AMICABLE RESOLUTION:

2.1. **AND WHEREAS** in the course of the matter, the Claimant and the Defendants desired to resolved the matter amicable and arrive at Terms of Settlement and seek the court's pronouncement on same as its Judgment by way of Consent Judgment.

3.0 TERMS OF SETTLEMENT

3.1 PURSUANT TO THE ABOVE, THE CLAIMANT AND THE DEFENDANTS HEREBY AGREED TO THE FOLLOWING TERMS OF SETTLEMENT:

- (a) The Defendants, having not received the Notice of Increment of Rent before it fell due, shall pay to the Claimant the sum of N60,000,000.00 (Sixty Million Naira) only in full and final payment and settlement of the outstanding rent of the Claimant, the subject matter of this Suit.
- (b) The Defendants have agreed that the said sum of N60,000,000.00 (Sixty Million Naira) shall be paid within three months after this Consent Judgment has been entered in court with effect from the day the Judgment is entered as the Judgment of the court.

PROVIDED THAT a good faith payment not less than ten percent of the amount of N60,000,000.00 (Sixty Million Naira) only owed shall be paid on or before December 6, 2022, being the day that Suit slated for Hearing or Report of Settlement.

- (c) That the payment shall be made into the following account.

Account Name: Akaraiwe & Associates: Dr. Chuba Agbim

Bank Name: FCMB

Account Number: **6857919040**

- (d) That where the Defendants are unable to meet the initial timeline of three months granted to the Defendants, that a

further extension of three months shall be given within which all outstanding payments must be paid in full.

- (e) That in the event of a default of this Terms of Settlement by the Defendants, the Claimant shall reserve the right to enforce this Terms of Settlement without any further recourse to the Defendants.
- (f) The Terms of Settlement herein, upon being pronounced on and adopted as its Judgment by the Honourable Court shall constitute a final disposal and determination of this Suit and a discharge of the interim orders made therein.
- (g) Each party shall bear her respective cost in this Suit.

4.0 **CONSENT JUDGMENT**

4.1 The Claimants and the Defendants desires and agree that the Terms of Settlement hereinbefore stated, be, with the leave and order of the court, adopted and pronounced as the Final Judgment of the Honourable Court in this case

HON. JUSTICE C.O. AGBAZA

Presiding Judge.

6/12/2022

APPEARANCE:

C.B. NWOGU ESQ – FOR THE CLAIMANT

O.D. ATOYEBI ESQ – FOR THE 1ST & 2ND DEFENDANT

