

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ZUBA, ABUJA

ON FRIDAY THE 28TH DAY OF OCTOBER, 2022

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

SUIT NO.: FCT/HC/BW/CV/12/2019

BETWEEN:

MODUPE PHILIP AJAYI

PLAINTIFF

AND

1. **OLUYOMI VICTOR AJAYI**
2. **INSPECTOR GENERAL OF POLICE**
3. **COMMISSIONER OF POLICE**
4. **DPO KUBWA**

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BENCH JUDGMENT

The provision of the Rules of this Court allows parties in a Suit to explore out of Court settlement of issues in dispute. Today, the parties in this Suit have done so and had in turn adopted the Terms of Settlement which they have signed and filed and served on the Court.

It is imperative to state that once a matter is already pending, and parties out of their own volition, on the

advice of the Court, decided and actually settled their dispute, that the Court will allow them adopt same and after enter same as the Consent Judgment of the parties which has the same efficacy as the Judgment of this Court gotten after full Hearing and call of evidence.

In this Suit filed on the 6th day of November, 2019 the Plaintiff sought for the following Reliefs. But while the matter is still pending, they decided to settle. The Reliefs are:

- (1) A Declaration of the Honourable Court that the transaction between the Plaintiff and the 1st Defendant is a civil transaction.**
- (2) A Declaration of the Honourable Court that the 2nd, 3rd and 4th Defendants has no power to investigate civil transaction.**
- (3) A Declaration of the Honourable Court that the forceful removal of the two vehicles from the possession of the Plaintiff is illegal and a violation of the Plaintiff's Right.**
- (4) A Declaration that the Defendant is under obligation to either deliver the vehicles to the Plaintiff or return the Two Million, One Hundred and Seventy Seven Thousand Naira (₦2, 177,000.00) only to the Plaintiff.**

- (5) A Declaration of the Honourable Court that the Plaintiff has a Right of Lien over the 2 vehicles forcefully removed from the Plaintiff's possession by the 2nd, 3rd and 4th Defendants pending the determination of the matter.**
- (6) An Order of this Honourable Court restraining the 2nd, 3rd and 4th Defendants from releasing the 2 vehicles to the 1st Defendant.**
- (7) An Order of this Honourable Court directing the 2nd, 3rd and 4th Defendants to release the 2 vehicles parked at Kubwa, Divisional Police Station, Abuja to the Plaintiff pending the determination of this case OR in the alternative An Order of the Honourable Court directing the 2nd, 3rd and 4th Defendants to bring the 2 vehicles to the Court's premises pending the determination of the matter.**
- (8) An Order of the Honourable Court directing the 1st Defendant to deliver the Plaintiff's cars or pay the Plaintiff the sum of Two Million, One Hundred and Seventy Seven Thousand Naira (₦2, 177,000.00) only.**

(9) An Order of the Honourable Court directing the 1st, 2nd, 3rd and 4th Defendants to pay the Plaintiff General Damages of Seven Million, Five Hundred Thousand Naira (₦7, 500,000.00) only for the psychological, emotional and stress occasioned on the Plaintiff by the action of the 1st, 2nd, 3rd and 4th Defendants.

(10) Cost of this action in the sum of One Million Naira (₦1, 000,000.00).

Since they have settled and had adopted the Terms of Settlement, this Court will read same out and after, enter same as their Consent Judgment.

TERMS OF SETTLEMENT

The Plaintiff and the 1st Defendant having seen the need to resolve this matter amicably, resolves as follows:

- 1. That the 1st Defendant is indebted to the Plaintiff to the tune of Two Million, One Hundred and Seventy Seven Thousand Naira (₦2, 177,000.00) only.*
- 2. That the Plaintiff has agreed to accept the sum of One Million, Five Hundred Thousand Naira (₦1, 500,000.00) only from the 1st Defendant as the final payment of the said debt.*

3. That the 1st Defendant has agreed to pay the Plaintiff the sum of One Million, Five Hundred Thousand Naira (₦1, 500,000.00).
4. That the 1st Defendant shall pay the said One Million, Five Hundred Thousand Naira (₦1, 500,000.00) to the Plaintiff's account on the day this Terms of Settlement will be adopted in Court.
5. That upon receipt of the said One Million, Five Hundred Thousand Naira (₦1, 500,000.00) by the Plaintiff via the Plaintiff's account: Account No. 3000059858, Account Name – Philip Modupe Sandra, Bank – First Bank; the two (2) vehicles (HYUNDAI 2001 with Chasis Number KMHSC81DPIU124395, blue colour & VOLKSWAGEN GOLF 1998 with Chasis Number WVWZZZIKZW117022, ash colour) in possession of the 4th Defendant shall be released to the 1st Defendant's Counsel.
6. The custom particulars of the two (2) vehicles in possession of the Plaintiff shall also be released to the 1st Defendant's Counsel – A.O. Oyediran Esq.
7. That this Terms of Settlement was voluntarily entered by the Plaintiff and the 1st Defendant.

Dated 17th day of October, 2022.

Having read out the said Terms of Settlement, this Court hereby enters same at the Consent Judgment of the parties today the 28th day of October, 2022.

This is the Consent Judgment of this Court.

Delivered today the ___ day of _____ 2022 by me.

K.N. OGBONNAYA
HON. JUDGE