

IN THE HIGH COURT OF JUSTICE OF THE F. C. T.
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO, ABUJA
ON TUESDAY THE 08TH DAY OF NOVEMBER, 2022
BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA
JUDGE

SUIT NO: FCT/HC/CV/1545/2022

BETWEEN:

COL. AHMED ARDO SAMBA (RTD)

CLAIMANT

AND:

1. STARLIGHT TRAVELS & TOURS LIMITED

2. ALH. AHMED B. SULEIMAN

DEFENDANTS

CONSENT JUDGMENT

Abdulhakam Adamu Esq.: appears for the Claimant.

G. O. Ikhiwewu Esq. appears for the 1st and 2nd Defendant.

Counsel for the Claimant: The matter is for mention. However, parties are desirous of settlement. We have filed our Terms of Settlement dated 4th of November, 2022 and filed on 8th of November, 2022. We humbly adopt the said Terms of Settlement and we humbly urge My Lord to enter same as Consent Judgment between the parties.

Counsel for the Defendant: That is the position. We aligned with the Claimant's Counsel.

COURT: By a Writ of Summons on the Undefended List dated the 09th of May, 2022 and filed on the 11th of May, 2022, the Claimant sued the Defendants claiming the following reliefs:-

1. ~~₦~~679,168,917.00 (Six Hundred and Seventy-Nine Million, One Hundred and Sixty-Eight Thousand, Nine Hundred and Seventeen Naira) only being the total sum of money owed the Claimant by the Defendants under loan agreements entered into by the parties in respect of:

- (i) Loan agreement dated 25th June, 2009 for the principal sum of ~~₦~~10,000,000 (Ten Million Naira) only and an agreed amount of ~~₦~~450,000.00 (Four Hundred and Fifty Thousand Naira) only monthly as interest from the gains of the business from 25th June, 2009 which sum due to date is ~~₦~~78,400,000.00 (Seventy-Eight Million, Four Hundred Thousand Naira) only.
- (ii) Loan agreement dated 5th October, 2009 for the principal sum of ~~₦~~30,000,000.00 (Thirty Million Naira) only and an agreed amount of ~~₦~~1,350,000.00 (One Million, Three Hundred and Fifty Thousand Naira) only monthly as interest from the gains of the business from 5th October, 2009 which sum due to date is ~~₦~~250,000,000.00 (Two Hundred and Fifty Million Naira) only.
- (iii) Loan agreement dated 8th February, 2010 for the principal sum of ~~₦~~50,000,000.00 (Fifty Million Naira) only and an agreed amount of ~~₦~~2,250,000.00 (Two Million, Two Hundred and Fifty Thousand Naira) only monthly as interest from the gains of the business from 8th February, 2010 which sum due to date is ~~₦~~378,500,000.00 (Three Hundred and Seventy-Eight Million, Five Hundred Thousand Naira) only.

Which said sums were duly and satisfactorily utilised by the Defendants, and which said total sum due remains unpaid by the Defendants despite repeated demands by the Claimant.

The Court fixed the 19th of July, 2022 as the Return Date. The date, however, was caught up with the judicial vacation. The matter accordingly came up on the 13th of October, 2022 for hearing. On that day, the parties and their Counsel were absent. The Court therefore adjourned the suit to the 8th of November, 2022 for further mention. Meanwhile, the Defendants had, on the 12th of September, 2022 filed their Notice of Intention to Defend which was dated the 9th of September, 2022 together with the Affidavit to Disclosing a Defence on the Merit.

On the 08th of November, 2022, learned Counsel for the Claimant informed the Court that the Defendant resolved their dispute and have filed in Court the Terms of Settlement embodying the resolution of the dispute. The learned Counsel for the Defendants agreed with his submission. I hereby reproduce verbatim the Terms of Settlement which was dated the 4th of November, 2022 but filed on the 8th of November, 2022:-

TERMS OF SETTLEMENT

- 1.0. The Claimant commenced by a Writ of Summons filed on 11/05/2022 under the Undefended List Procedure claims against the Defendants as follows:-
 1. ~~N~~679,168,917.00 (Six Hundred and Seventy-Nine Million, One Hundred and Sixty-Eight Thousand, Nine Hundred and Seventeen Naira) only being the

total sum of money owed the Claimant by the Defendants under loan agreements entered into by the parties in respect of:

- (i) Loan agreement dated 2th June, 2009 for the principal sum of ₦10,000,000.00 (Ten Million Naira) only and an agreed amount of ₦450,000.00 (Four Hundred and Fifty Thousand Naira) only monthly as interest from the gains of the business from 25th June, 2009 which sum due to date is ₦78,400,000.00 (Seventy-Eight Million, Four Hundred Thousand Naira) only.
- (ii) Loan agreement dated 5th October, 2009 for the principal sum of ₦30,000,000.00 (Thirty Million Naira) only and an agreed amount of ₦1,350,000.00 (One Million, Three Hundred and Fifty Thousand Naira) only monthly as interest from the gains of the business from 5th October, 2009 which sum due to date is ₦250,000,000.00 (Two Hundred and Fifty Million Naira) only.
- (iii) Loan agreement dated 8th February, 2010 for the principal sum of ₦50,000,000.00 (Fifty Million Naira) only and an agreed amount of ₦2,250,000.00 (Two Million, Two Hundred and Fifty Thousand Naira) only monthly as interest from the gains of the business from 8th February, 2010 which sum due to date is ₦378,500,000.00 (Three Hundred and Seventy-Eight Million, Five Hundred Thousand Naira) only.

1.1. The Defendants also filed their Notice of Intention to Defend and other processes permitted by the Rules of this Honourable Court.

1.2. Now, following the decision of parties to settle their disputes amicably, IT IS HEREBY AGREED BY THE CLAIMANT AND THE DEFENDANTS AS FOLLOWS:

1. That the 2nd Defendant shall execute all necessary instruments relating to the plots of land he voluntarily surrendered to the Claimant in a desire to settle the debt owed the Claimant by the 1st Defendant which plots are:-
 - a. Plot MF 64 in Kuje District Layout of about 6000 SQM
 - b. Plot MF 51 in Kuchiyako IV Layout of about 1500 SQM
 - c. Plot MF 50 in Kuchiyako IV Layout of about 1800 SQM
 - d. Plot MF 48 in Kuchiyako IV Layout of about 1500 SQM
 - e. Plot MF 47 in Kuchiyako IV Layout of about 1500 SQM
 - f. Plot MF 49i in Kuchiyako IV Layout of about 1800 SQM
 - g. Plot CD 85A Kuchiyako II Layout of about 10HA
 - h. Plot 98 in Dobi Farmland Layout of about 10HA
 - i. Plot No. MF 6526 Lugbe 1 Ext. Layout of about 2 HA
 - j. Plot No. MF 5103 Lugbe 1 Ext. Layout of about 1.2 HA
 - k. Plot No. MF 2199 Sabon Lugbe South-West Layout of about 1 HA
 - l. Plot No. ED 6418 Sabon Lugbe East Ext. Layout of about 2 HA
 - m. Plot No. MF 127 Kurudu Layout of about 2 HA
 - n. Plot No. CRD ED, 6061 Lugbe 1 Ext. Layout of about 1.8 HA
 - o. Plot No. CP 70 KUrudu Commercial Layout of about 1.67 HA.
2. That the instruments of title of the properties listed above shall be executed in favour of **Aristocrat Homes Nigeria Limited of No. 7 Asaba Close, off**

Emeka Anyaoku Street, Area 11 Garki, Abuja which is a company the Claimant has interest in.

3. That the 2nd Defendant shall pay the Claimant the sum of ~~₦~~5,000,000.00 (Five Million Naira) which sum shall be paid in two instalments to wit:
 - a. The sum of ~~₦~~3,000,000.00 (Three Million Naira) only to be paid upon the execution of this Terms of Settlement.
 - b. The balance sum of ~~₦~~2,000,000.00 (Two Million Naira) only to be paid on or before the **31st of December, 2022**.
 - c. That the above stated sum shall be paid into account belonging to the Claimant's solicitors – **Lawal Legal Consult – 0449675790 – GTB**.
4. That the above payment and the execution of the land instruments listed in paragraphs 1(a) – (o) shall constitute full and final settlement including all liabilities relating to the loan granted by the Claimant and which is the subject of this suit and the Defendants shall be free from all liabilities and any subsequent claim thereto.
5. That the Defendants shall take all steps to remove the Claimant from the board of the 1st Defendant and the Claimant herein relinquishes and surrenders all shares held in the 1st Defendant back to the company.
6. That the above terms shall be entered as consent judgment of the parties and binding on the parties.

COURT

The Terms of Settlement dated 4th of November, 2022 and filed on the 8th of November, 2022 is hereby granted as per the terms contained in the Terms of Settlement as Consent Judgment of this Court.

HON. JUSTICE A. H. MUSA
JUDGE
08/11/2022

APPEARANCES:

FOR THE CLAIMANT:

Abdulhakam Adamu Esq.

FOR THE DEFENDANTS:

G. O. Ikhiwewu Esq.