

**QQAZ IN THE HIGH COURT OF THE FEDERAL CAPITAL
TERRITORY**

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT JABI, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE MUHAMMAD S. IDRIS

COURT: 28

Date:- 12TH JULY, 2023

BETWEEN

FCT/HC/CV/2735/2023

ZAKARI NANRE SARAH-----

CLAIMANT

AND

ONE LINK INTERNATIONAL LIMITED-----

DEFENDANT

JUDGMENT

By virtue of the writ filed against the Defendant dated the 20th march, 2023 the claimant sought the reliefs as contained therein for the avoidance of doubt I would like to reproduce the reliefs sought by the Claimant against the Defendant thus:-

1. The sum of N13,000,000.00 (Thirteen Million Naira) only being the balance of N15,000,000.00 (Fifteen Million Naira) only of the principal sum invested by the Claimant with the defendant in their monthly ROI (Return on Investment) SPV (Special purpose Vehicle) investment as duly confirmed by the Defendant in its letter of confirmation of payment dated 8th March, 2021 and confirmation of upgrade 21st September, 2021.

2. 2% Return on Investment from November, 2022 being the month the defendant halted the payment of the Claimant's entitlement with regards her investment with the Defendant until judgment as contained in the letter of confirmation dated 8th March, 2021 and the Claimant's letter of 1st November, 2022
3. 20th interest on the entire judgment sum until the judgment sum is fully liquidated and accordingly extinguished.
4. Cost of this action.

In support of this application is an affidavit of 23 paragraph affidavit deposed by the Claimant same is also dated the 20th March, 2023 particularly paragraph 7- 20 as averred in the affidavit.

In support of the writ is a written address dated 17th March, 2023 when the Claimant through her Counsel raised a sole issue for determination to wit:-

"Whether the claimant has made out a case to be entitled to the grant of the relief sought under the undefended list procedure Counsel refer the Court to order 35 Rule 10 of the rules of this Court. See the case of **MICMEREH INTL. AGENCY VS A.Z PETROLUM PRODUCT (2012)2 NWLR (PT 1285) page 564 at 601 paragraph D-H.**

On the procedure principally guiding the nature and purpose of undefended list procedure Counsel referred the Court to **WEMA SEC & FIN PLC VS NAIC (2015)16 NWLR (pt1484) page 93-140-141.** On the issue of interest Counsel argued that where interest is being claimed as a matter of right. The proper picture is to claim entitlement to it on the writ and pleads facts to show an entitlement to it is the affidavit in support see **WEMA SEC & FIN VS NAIC (2015) (supra).**

See also exhibit A-B see also paragraph 3-11 on the issue of post judgment Counsel referred the Court to order 38 Rule 4 of the Rule 4

of the Rules of this Court and also the case of Nipost vs insight Engineering co. (2006) LPELR 8240 . Finally Counsel urge the Court to grant all the reliefs sought. Having reproduced partly the position of the Claimant in this action I must state by taking into consideration that the Defendant in this matter have not put any defence neither does he put appearance. Despite being adequately notified it becomes imperative on the part of the Court to invoke order 35 rule 1(1) of the Rules of this Court provides:-

“ Where an application in form 1, as in the appendix is made to issue a writ of summons in respect of a claim to recover a debt or liquidated money demand, supported by an affidavit stating the grounds on which the claim is based and stating that in the deponent's belief, there is no defence to it, the judge in chambers shall enter the suit for hearing in what shall be called the “undefended list”

Essentially this procedure is governed by affidavit evidence in some case with attached annexure as exhibit. What qualifies as a debt would appear not to require “debt” can be defined loosely as a specific sum of money due by agreement from one person to another under this procedure, ordinary hearing is rendered unnecessary due in the main to the absence of an issue to be tried. It is designed to secure quick justice and avoid the injustice likely to occur when there is no genuine defence on the merits to the Plaintiff case. In matter brought under the undefended list procedure the Court has a duty to consider the notice of intention to defend as well as the affidavit filed in support of the writ of summons. Even where there is no notice of intention to defend the Court still has to inquire or examine whether the Plaintiff has made out his claim in the affidavit accompanying the writ see ***OBI VS NKWO MARKET COMMUNITY BANK (2001) 2 NWLR (PT 696)***. Thus, in consideration

of an action brought under the undefended list by the Plaintiffs the trial Court is faced with a decision whether to hear the case or transfer it to the general cause list it must have to begin with the careful scrutiny of the Plaintiff claim and be satisfied that the action is not contentious and one that should be placed on the undefended list. The Court owes it a duty to scrutinise the claim and the verifying affidavit with attached documents if any to ensure that the claim is indeed suitable to be heard under the undefended list. Otherwise it should be transfer to the general cause list see ***INTERNATIONAL BANK VS BRIFINA SUIT no. SC 67/2001 also cited (2012)13 NWLR P 1***. From the above judicial authorities and the Rules of this Court I am convince that the Claimant is entitle to be given judgment. This is because particularly exhibit A and B made me to so hold and other exhibit tendered. The Claimant have by affidavit evidence have a valid claim.

However although the Claimant refered the Court on the issue of interest contemplated by the Claimant, that hasnot been sufficiently proved before the Court. Consquently judgment is hereby entered in favour of the Claimant against the Defendant the Defendant shall pay the sum of N13,000,000.00 being the principal sum and the sum of 15% post judgment interest other reliefs are hereby refused for want of evidence. This procedure is for a money certain.

**HON. JUSTICE M.S
IDRIS**
(Presiding Judge)

Appearance
Victor Orih:-

For the Claimant.

Kehinde Soremekun:- Appearing with Festus Ugwuegbu for the
Defendant.