

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 4, MAITAMA ON THE

4TH DAY OF DECEMBER, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE

SUIT NO. FCT/HC/CV/8109/2023

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

AMEH BLESSING CLAIMANT

AND

1. ONAHAM OYEMIKE ONAHAM } DEFENDANTS
2. AKHIGBEMEN EHIMEN EMMANUEL }

JUDGMENT

I have read the 1st and 2nd Defendants' Notice of Intention to Defend, the Affidavit and Exhibits annexed.

The 1st Defendant agreed that Baca Furniture Products Limited is his company. That Claimant partnered with the company to do a Trade Fair business.

The 1st Defendant admitted that Claimant paid ₦5M into the aforesaid Claimant's account and subsequent payment amounting to ₦16,500,000.

The Agreement exhibited by 1st Defendant shows something different. A loan agreement still showing the monies collected by the 1st Defendant on the advice of the 2nd Defendant.

My attention has been drawn to the arbitration clause on the said Loan Agreement. It was made *mala fide*. It is therefore vitiated.

An Undefended List procedure is maintainable when it relates to a claim for debt or liquidated money demand. This procedure is meant to shorten the hearing of the suit.

See HAIDO vs. USMAN (2004) 3 NWLR (PT. 859) 65.

I have carefully considered the evidence contained in the Affidavit filed and relied upon by the 1st and 2nd Defendants. The Affidavits do not disclose a defence on the merit or a triable issue.

The evidence in the Affidavit and oral admission of Defendants' Counsel is that the Defendants collected from the Claimant the sum of ₦16,000,000.

That the Defendants paid back some money, leaving a balance of ₦15,200,000.

In the circumstance of this case, I shall enter Judgment in favour of the Claimant in respect of the liquidated sum while I transfer Reliefs (ii) and (iii) to the General Cause List.

Judgment is accordingly entered for the Claimant against the Defendant for the sum of ₦15,200,000.00 (Fifteen Million, Two Hundred Thousand Naira).

The balance of ₦1,300,000.00 and other accrued interest as claimed in Relief (ii) and (iii) are hereby transferred to the General Cause List.

HON. JUSTICE U. P. KEKEMEKE
(HON. JUDGE)
04/12/2023

Parties absent.

D. D. Tunyan, Esq. for the Claimant.

Udeogu Obinna, Esq. with Daniel Gana, Esq. for the 1st
and 2nd Defendants.

COURT: Judgment delivered.

(Signed)
HON. JUDGE
04/12/2023