

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA-ABUJA
ON THE 23RD DAY OF NOVEMBER, 2023**

SUIT NO.FCT/HC/GWD/CV/36/2022

BEFORE HIS LORDSHIP: HON. JUSTICE A. I AKOBI

BETWEEN:

KWESLEY NIGERIA LIMITED.....CLAIMANT

AND

ABUJA MUNICIPAL AREA COUNCIL.....DEFENDANT

CONSENT JUDGMENT

The action was instituted by the Claimant on 23/5/2023 against the Defendants vide Writ of Summons in Suit No.: FCT/HC/GWD/CV/36/2022 his claims as endorsed on the Writ of Summons are as follow follows:

- a. A declaration that the Claimant is entitled to the payment of N8, 987, 499.28 (Eight Million, Nine Hundred and Eighty Seven Thousand Four Hundred and Ninety Nine Naira, Twenty Eight Kobo) only being the balance of the contract sum for the construction of Primary Health Care Center, Mabushi, Abuja.
- b. An Order of this Honourable Court for the payment of N8, 987, 499.28 (Eight Million, Nine Hundred and Eighty Seven Thousand Four Hundred and Ninety Nine Naira, Twenty

Eight Kobo) only, being the balance of the contract sum for the construction of Primary Health Care Center, Mabushi, Abuja.

- c. The sum of N10, 000, 000.00 (Ten Million Naira) only as damages for withholding the payment of the balance sum of the contract.
- d. The sum of N20, 000, 000.00 (Twenty Million Naira) only as general damages.
- e. The sum of N500, 000.00 (Five Hundred Thousand Naira) only being the cost of instituting this action.

During the hearing of the matter, the parties decided to settle their differences out of court; sequel to that, parties executed and filed a Terms of Settlement on the 25/8/2023 endorsed by the parties and their respective counsel. It was adopted by the counsel on both side and the Court is urged to adopt it as a Consent Judgment of this Honourable Court.

The terms agreed under the Memorandum of Settlement filed on the 25/8/2023 are as follows:

1. That upon the Defendant's total liquidation and payment of the entire sum claimed by the Claimant in this suit being the balance of the contract sum for the construction of Primary Health Care Center, Mabushi, Abuja.
2. That the Defendant has by virtue of (1) above settled his entire indebtedness to the Claimant and therefore brings this matter to an end in its finality.

3. That there shall be no Order as to cost, parties shall bear their respective costs.
4. And that the Court adopts their Terms of Settlement as its Judgment.

COURT:

The parties having voluntarily entered into this agreement endorsed by them, filed same before this Court and urged the Court to pronounce on it as Consent Judgment. I hereby adopt the terms agreed by the parties as set out herein above as the Judgment of this Court in this suit.

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HON JUSTICE A. I. AKOBI
23/11/2023