

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

BEFORE HIS LORDSHIP: THE HON. JUSTICE PETER O. AFFEN

TUESDAY, FEBRUARY 26, 2019

SUIT NO. FCT/HC/CV/CV/209/2018

BETWEEN:

CHIEF MRS I. A. UMEZ-ERONINI CLAIMANT

AND

MEDITERRANEAN BEAUTY HAMMAN LIMITED ... DEFENDANT

J U D G M E N T

THE CLAIMANT herein claims against the Defendant the reliefs endorsed on the writ of summons issued out of the Registry of this Honourable Court on 13/11/18 [as well as in the accompanying statement of claim] as follows:

- “1. AN ORDER of court directing the Defendant to immediately vacate Plot No. 62, 4th Avenue, Gwarinpa II Estate, Abuja and give/deliver vacant possession of same to the Claimant.
2. AN ORDER directing the Defendant to pay the sum of ₦517,000.00 (Five Hundred and Seventeen Thousand Naira) every month (being the monthly rental value of the property) as arrears of rent/mesne profit for the use and occupation of the said property from the 1st day of January 2018 till the date vacant possession is given back to the Plaintiff.
3. AND for any further order(s) as this Honourable Court may deem fit to make in the circumstances of this case.”

The records in the case file before me reveal that the writ of summons and accompanying processes were served on the Defendant on 14/2/18. The Claimant subsequently filed the present motion for default judgment dated 31/1/19, which was also duly served on the Defendant on 6/2/19. But Defendant has failed or neglected to file any response to the claim by way of statement of defence. The Defendant is represented in court today by counsel but no statement of defence has been filed in response to the Plaintiff's claim.

The gist of the Plaintiff's claim is that Plot 64 4th Avenue, Gwarinpa, Abuja was leased to the Defendant for a term of two years certain beginning from 1/1/16 to 31/12/17 at a rent of ₦6.2m [making a total sum of ₦12.4m for the two years]; that the Defendant continued to detain and hold over the premises notwithstanding that the tenancy has since come to an end on 31/12/17 by effluxion of time; that having waited in vain for the Defendant to either renew the tenancy or vacate the premises, the Plaintiff caused to be served on the Defendant a quit notice dated 27/4/18 as well as notice of owner's intention to recover possession dated 1/6/18; and that the Plaintiff is desirous of recovering the premises from the Defendant together with rent/rates for the use and occupation of the premises and all mesne profits at the same rate of ₦6.2m per annum with effect from 1/1/18 until the Defendant gives up possession. It is on the basis of the foregoing that the Plaintiff claims the reliefs set out hereinbefore.

By Order 21 of the High Court of the FCT (Civil Procedure) Rules 2018, a claimant is at liberty to apply to the court for final judgment to be entered against a defendant who defaults in filing any pleadings within the prescribed period as in the instant case. As stated hereinbefore, although the Defendant is represented in court today by counsel, no issues have been joined with the

Plaintiff by way of statement of defence. It seems to me therefore that the Plaintiff is eminently entitled to judgment against the Defendant in default of defence as per the reliefs endorsed in the writ of summons and accompanying statement of claim dated 13/11/18. I so order.

I assess the costs of this action at ₦30,000.00 in favour of the Claimant against the Defendant.

PETER O. AFFEN
Honourable Judge

Counsel:

C. N. Nwafor, Esq. (with him: **K. Kakuk, Esq.**) for the Claimant.

S. O. John, Esq. (holding brief for **P. D. Pius, Esq.**) for the Defendant.