

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA**

**BEFORE HIS LORDSHIP: JUSTICE SALISU GARBA
COURT CLERKS: FIDELIS T. AAYONGO & OTHERS
COURT NUMBER: HIGH COURT TWO (2)
CASE NUMBER: FCT/HC/CV/1118/2019
DATE: 26TH JUNE, 2019,**

BETWEEN:

MR. GULKATHI B. BERNARD - CLAIMANT

AND

ALHAJI MOHAMMED SAID - DEFENDANT

Defendant in court while Claimant absent.

Nnenna Emeihe for the Claimant.

Defendant – I do not have a counsel.

Claimant's Counsel – The matter is for ruling and we are ready.

J U D G M E N T

The Claimant in this suit took out a writ of summons by way of Undefended List Procedure claiming the following reliefs against the Defendant.

1. The sum of Two Hundred and One Thousand Naira only (N201,000.00) only being sum owed the Claimant by the Defendant for the purchase of diesel fuel.
2. The sum of One Hundred Thousand (N100,000.00) being the cost of legal fees charged by counsel.
3. 20% of judgment sum till same is paid.

The writ is supported by 11-paragraph affidavit and 3 annexures marked as Exhibit A1, A2 and A3 respectively.

In the affidavit filed in support of the writ it was deposed inter alia that the Defendant is a regular customer of the Claimant for over 5 years.

That between January – July, 2018 the Claimant supplied diesel to the Defendant's company on credit worth N201,000.00 only. And that the Defendant has refused to pay for the diesel supplied despite repeated demands. Exhibit A1 attached to the writ of summons is a copy of the Demand letter while Exhibit A2 is a copy of the credit invoice and Exhibit A3 is the receipt issued to the Claimant by his counsel.

From the proof of service before the court the Defendant was served with the writ of summons and other court processes in this suit on the 27/03/2019 but in his wisdom elect not to file a Notice of Intention to Defend the suit nor participate at the trial on the 11/4/19.

When the matter came up on 11/4/19, the Claimant was represented by his counsel Nnenna Emeihe while the Defendants was absent and not represented by counsel.

The learned counsel for the Claimant applied under Order 35 Rule 4 of the Rules of this court for judgment to be entered in favour of the Claimant against the Defendants as per the claims before the court.

On the part of the court after listening carefully to the submission of learned counsel for the Claimant and going through the processes as filed in this suit, it is clear by the averment in the affidavit in support of the writ and exhibits attached thereto that, the claimant supplied Diesel worth the sum of N201,000.00 to the

Defendant on credit and the Defendant has failed to pay despite repeated demands.

When served with the originating process in this matter, the Defendant didn't deem it fit to file Notice of Intention to Defend the suit together with an affidavit disclosing a defence on the merit.

In the circumstance, judgment is hereby entered for the Claimant against the Defendant as follows:

1. The Defendant is hereby ordered to pay to the Claimant the sum of Two Hundred and One Thousand Naira) (N201,000.00) being the cost of Diesel Fuel supplied the Defendant by the Claimant which the Defendant neglected/refused to pay.
2. I order the Defendant to pay to the Claimant the sum of One Hundred Thousand Naira) only (N100,000.00) only being the cost of prosecuting this matter.
3. I order the Defendant to pay 10% interest per annum on the judgment sum from the date of the judgment till final liquidation of same.

(Sgd)
JUSTICE SALISU GARBA
(PRESIDING JUDGE)
26/06/2019

Claimant's Counsel – We are very grateful for the ruling.

Defendant's Counsel – I have nothing to say.

(Sgd)
JUSTICE SALISU GARBA
(PRESIDING JUDGE)
26/06/2019