

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT HIGH COURT 30 GUDU - ABUJA
ON WEDNESDAY THE 11TH DAY OF SEPTEMBER, 2019.
BEFORE HIS LORDSHIP ; HON. JUSTICE MODUPE OSHO-ADEBIYI

SUIT NO. CV/658/2018

BETWEEN

EBISU INVESTMENT NIGERIA LIMITED-----CLAIMANT

AND

MR. ARINZE EMEFO -----DEFENDANT

CONSENT JUDGMENT

The Claimant filed a Writ of Summons dated 20/12/2018 praying for the following:-

1. A declaration that Defendant has breached paragraphs 1, 4, 5, 6 and 7 of Page 3 of the Terms of Agreement as executed between Claimant and Defendant on 12th March, 2017.
2. A declaration that Defendant had no right to cut down the mango and umbrella trees in the demised premises and to alter any structure of the demised premises without the written consent of the Claimant first sought and obtained.
3. An order of this Court directing Defendant to return the demised premises to its former state when he took possession of the demised premises before vacating same upon expiration of the tenancy.
4. An order of this Court awarding the sum of ~~₦~~3,000,000.00 only against the Defendant as general damages for the breach of the terms of the Tenancy Agreement.
5. An order of this Honourable Court awarding the sum of ~~₦~~2,000,000.00 against the Defendant only as the cost of this action.

Upon being served with the Originating processes, the Defendant entered appearance and filed a notice of preliminary objection, which this Court heard on the merit, dismissed the objection and adjourned the case for hearing.

The respective Counsel thereafter informed the Court that parties have settled and have filed terms of settlement to that effect, on the 9th day of September, 2019 signed by the Managing Director of the Claimant and the Defendant as well as their respective Counsel; Dr. James Agbonhese, Esq., for the Claimant and Clement Erohubie, Esq., for the Defendant. Both Counsel urged the Court to enter the terms of settlement so filed, as judgment of this Court and this Court hereby order as follows:

1. That the Defendant in this suit, having effected the repairs identified by the parties and putting the demised premises and its appurtenances to its former state when Defendant took possession of the demised premises, and having shown remorse, the Claimant's Managing Director, Dr. Julius Bala, has agreed to abandon this suit and withdraw same forthwith.
2. That each parties shall bear their cost of litigating this matter in order to maintain the relationship that existed between them during the period of tenancy.
3. This terms of settlement is hereby entered as judgment of this Honourable Court.

Parties: Parties are absent.

Appearances: Stanley Okonma, Esq., with Blessing Nwankiri, Esq., for the Claimant. Ruth Efeognene, Esq., for the Defendant.

HON. JUSTICE M. R. OSHO-ADEBIYI

JUDGE

11TH SEPTEMBER 2019