

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA COURT 4, FCT., ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE O. O. GOODLUCK

SUIT NO. FCT/HC/CV/446/2018

B E T W E E N:

ADEKUNLE OLADAPO OTITOJU } CLAIMANT

AND

SNOWBALL TRAVELS & TOURS LIMITED } DEFENDANT

J U D G M E N T

The Claimant is a legal practitioner. The Defendant is a company engaged in the business of a travelling and tours, acting through its Managing Director, Lara Dairo who engages Defendant to provide legal service for the Defendant.

The brief was in respect of the Defendant's landed property at Karimo which is a subject of revocation by the Federal Capital Development Authority.

The Defendant's Managing Director and the Plaintiff finally agreed on a professional fee of ₦2,000,00.00 (Two Million Naira) for the

professional service that will be paid to the Claimant for the prosecution the Defendant's case.

In furtherance of the brief, the Plaintiff filed the Writ of Summons and served the respective Defendant in the case.

The Claimant's Managing Director testified on behalf of the Claimant at trial, thereafter the case was closed. Claimant filed a written address, thereafter forwarded a letter to the Defendant to settle the outstanding professional fees as the Defendant had only paid an aggregate total sum of ~~N~~500,000.00 (Five Hundred Thousand Naira).

The Plaintiff's letter of the 2nd October, 2018 titled: "Bill of charges of Tenimasunwon and Brothers Enterprises" is attached as Exhibit A2. By the said letter, the Claimant demanded its outstanding balance of its professional fees, in the sum of ~~N~~2,000,000.00 (Two Million Naira).

The Claimant further asserts that the Defendant instructed another lawyer to reply the Claimant denying that a suit was pending in Court and it was not indebted to the Claimant.

It is the contention of the Claimant that the Defendant has no defence to this action consequently, Judgment should be entered against the Defendant.

The record of this Court reflects that the Defendant has been served with the originating processes in this suit. Besides, Hearing Notice has also been served on the Defendant, it has however failed and or neglected to respond.

In the circumstance, I am of the view and will so hold that the facts contained in the Claimant's affidavit in support are true. I am also of the view and will so hold that this action is for a liquidated demand, consequently, it is contemplated under Order 25 of the High Court of the FCT Civil Procedure Rules as a suit under the undefended cause list.

In the absence of any controverting evidence on the Defendant's indebtedness to the Claimant, it is needless to proceed to trial.

The Defendant has not filed a Notice of Intention to defend this suit, this being the case, I hold that there is no defence on the merit Order 25 Rule 4 of the High Court of the FCT Rules empowers this Court to order Judgment having regard to the facts and circumstances of this suit.

This suit succeeds.

The Defendant is hereby ordered to pay the balance of ~~N~~2,000,000.00 (Two Million Naira) representing the outstanding balance the professional fees rendered by the Plaintiff to the Defendant.

An annual interest rate of 10% shall be payable on the Judgement sum from the date hereof until the entire sum is fully paid.

Cost in the sum of ₦100,000.00 (One Hundred Thousand Naira) is hereby awarded against the Defendant.

O.O. Goodluck,
Hon. Judge.
23rd January, 2020.

APPEARANCE

Parties absent

No legal representation