

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE NYANYA JUDICIAL DIVISION
HOLDEN AT NYANYA ON THE 18TH DAY OF FEBRUARY, 2020
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE
SUIT NO.FCT/HC/CV/1358/18

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

- 1. MR. RAPHAEL IGWEH**
- 2. HILLANNY NIGERIA LIMITEDPLAINTIFFS**

AND

- 1. ENGR. NORBERT ANIGBOGU**
- 2. AMTESS NIGERIA LIMITED.....DEFENDANTS**

JUDGMENT

The Claimants' Writ of Summons and Affidavit dated 28/03/18 placed under the Undefended List Procedure is for the following:

1. The sum of N7,700,000 being the balance of the sum of N11,000,000 only of the two contracts awarded to the Claimants by the Defendants.
2. N500,000.00 being cost of this suit.
3. And for such order or further orders as the Court may deem fit to make in the circumstance.

The law is that a Defendant who intends to defend an action brought under the undefended list procedure is expected to file a Notice of Intention to defend together with an Affidavit disclosing a Defence on the merit or a triable issue

See *HAIDO VS. USMAN (2004) 3NWL (PT. 859) 65.*

In an action brought under the Undefended List Procedure, I am required to consider only the evidence contained in the Affidavit filed in support of the Notice of Intention to Defend. The said Affidavit is deposed to by Jerome Azubuko on 30/10/18.

I have gone through the said Affidavit. It is a general denial of the Affidavit filed in support of the Writ placed under the Undefended List Procedure which is supported by Exhibits A-G. Exhibit E is signed by the 1st Defendant personally. He agreed that the said sum is owed by him but that they will pay the said sum by two instalments.

I have come to the conclusion that the Affidavit does not disclose a defence on the merit. The Defendant are therefore refused leave to defend the action.

However the second relief which is N500,000 being the cost of the suit is not a liquidated money demand.

Judgment is therefore entered in favour of the Claimant against the Defendants for the sum of N7,700,000.00 being the balance of the contract sum of N11 Million awarded to the Claimants by the Defendants.

The 2nd relief is hereby struck out.

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HON. JUSTICE U.P. KEKEMEKE

(HON JUDGE)

18/02/2020