

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE NYANYA JUDICIAL DIVISION
HOLDEN AT NYANYA ON THE 20TH DAY OF JANUARY, 2020
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE

SUIT NO.FCT/HC/CV/347/19

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

REFINED BRAIN ASSOCIATES LIMITED.....CLAIMANT

AND

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| <ul style="list-style-type: none">1. THE REGISTERED TRUSTEES FOURSQUARE GOSPEL CHURCH NIGERIA2. FOURSQUARE INTERNATIONAL SECONDARY SCHOOL LTD3. MR. PAUL OKEREKE4. REV. ISAAC KOMOLAFE (Regional Overseer Foursquare Gospel Church Nigeria)5. ANTHONY EDOZIE (Principal Foursquare Int'l Secondary School, Ltd) | } |DEFENDANTS |
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JUDGMENT

The Writ of Summons and Affidavit is placed under the Un defended List Procedure pursuant to Order 35 of the High Court of the FCT (Civil Procedure) Rules 2018. The Claimant prays as follows:

- 1. The sum of N22,250,000 only being 5 years rent due to the Claimant from the Defendants from the 1st of October 2015 to 30th September 2020.
- 2. Interest as per the rules of Court.

The Writ is supported by an Affidavit sworn to by Chief Charles Iheh of Suite 327 – 329 Electronics Centre Jabi District Abuja. He is the Managing Director of the Claimant.

The Claimant is the owner of all that property comprising three (Nos) 2 bedroom flats, two (Nos) 4 bedroom flats and four (Nos) one room boys quarter with appurtenances situate within Refined Brain Associates Ltd Estate, GidanMangoro Resettlement Layout along Karshi Road, Abuja. The 2nd Defendant became an annual tenant of the Claimant in 2011 by a deed of tenancy. That the Defendants paid the rent of N5,050,000.00 to the Claimant annually from 1st of October 2011 – 30th of September 2015. That Defendant paid only N3 Million as part payment of its rent for the tenancy period of 1st October 2015 – 30th September 2016.

The copy of the receipt is Exhibit B. That from 2015 till date the Defendants have failed to pay its rent of N5,050,000 despite repeated demands. That Defendants are owing the Claimant the sum of N22,250,000.00 only as arrears of rent from 1st October 2015 to 30th September 2020. That Claimant has written several demand letters marked Exhibit D, D1, D2 & D3. The Defendants were served with the Writ of Summons and Affidavit with a date for hearing on the Writ. The Defendants failed, refused and or neglected to respond.

By order 35(3) of the High Court of the FCT (Civil Procedure) Rules 2018, where a party served with the Writ delivers to Registrar, before 5 days to the date fixed for hearing, a notice in writing that he intends to defend the suit, together with an Affidavit disclosing a defence on the merit, the Court may give him leave to defend upon such terms as the Court may think just Section 35(4), where a Defendant neglects to deliver the notice of defence and an Affidavit prescribed by Rule (1) as in this case, the case shall be heard as an undefended suit and judgment given accordingly. The Defendants failed to deliver a notice of defence. I believe the Affidavit Evidence of the Claimant's Deponent in paragraph 23 that the Defendants have no defence to the action.

I shall therefore enter judgement as claimed. Judgment is hereby entered in favour of the Claimant against the Defendants as follows:

1. The Defendants shall pay to the Claimant N22,250,000 only being 5 years rent due to the Claimant from 1st October 2015 to 30th September 2020.
2. 10% interest on the judgment sum from the date of judgment until it is finally liquidated.

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HON. JUSTICE U.P. KEKEMEKE

(HON JUDGE)

20/01/2020