

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA**

THIS WEDNESDAY THE 4TH DAY OF MARCH, 2020.

BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI -- JUDGE

SUIT NO: CV/0268/17

BETWEEN:

ALH. BABANGIDA MOHAMMEDPLAINTIFF

AND

ABDULLAHI SULEIMAN B. DEFENDANT

SUIT NO: CV/2179/18

SULEIMAN ABDULLAHII BELLOPLAINTIFF

AND

DR YAKUBU GAMBODEFENDANT

JUDGMENT

In Suit No. CV/0268/17, the Plaintiff's claims as contained in the Writ of Summons and statement of claim dated 27th November, 2017 and filed same date in the Court's Registry are as follows:

- 1. A Declaration that the plaintiff is the rightful purchaser of the property lying and situate at Block 69, Flat 4, Sule Maitama Yusuf Street, Asokoro – Abuja, FCT.**

- 2. A Declaration that the plaintiff is the legal and beneficial owner of the property in dispute situate at Block 69, Flat 4, Sule Maitama Yusuf Street, Asokoro – Abuja, FCT.**
- 3. An Order setting aside/nullifying any sale, transfer or any purported title document produced by the defendant covering the said house of the plaintiff lying and situate at Block 69, Flat 4, Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT as same obtained in bad faith.**
- 4. An Order of perpetual injunction restraining the defendant, their staff, privies, agents, servant or anybody however under their control from selling and further act of illegal possession on the said house lying and situate at Block 69, Flat 4, Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT**
- 5. An Order of court directing the defendant to pay the plaintiff the sum of N5, 000, 000. 00 (Five Million Naira) only as arrears of rent for 2 years six months.**
- 6. An Order of court ejecting the defendant to give up immediate vacant possession of the property lying and situate at Block 69, Flat 4, Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT.**
- 7. An Order of court directing the defendant to pay the plaintiff the sum of N4, 000, 000. 00 (Four Million Naira) only as damage for psychological trauma and inconveniences.**
- 8. The cost of this action the sum of N500, 000. 00 (Five Hundred Thousand Naira) only.**

In Suit No. CV/2179/18, the plaintiffs claims as contained in the Writ of Summons and Statement of Claim dated 25th June, 2018 and filed same date in the Court's Registry are as follows:

- 1. A Declaration that the contract of sale of Block 69 Flat 4 No. 4, Mele Senawe Street Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT between the plaintiff and defendant is legal, valid and subsisting.**
 - 2. An Order for specific performance directing the defendant to conclude the transaction by accepting/collecting the outstanding sum of N6, 700, 000.00 (Six Million, Seven Hundred Thousand Naira) only as full and final consideration for the property known as Block 69, Flat 4, No. 4 Mele Senawe Street Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT.**
 - 3. An Order of perpetual injunction restraining the defendant whether by himself, privies, agents, representatives or however called from further trespass to the property known as Block 69, Flat 4, No. 4 Mele Senawe Street Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT.**
- 4. Cost of this suit.**

The originating processes in both actions on the Record were duly served on parties. The two cases were at different times and by order of the Honourable Chief Judge of the FCT transferred to this court and hearing notices were then served on parties.

Because of the common questions of facts and law raised in both cases, the plaintiff in Suit No. CV/2179/18 applied for consolidation of both actions which was granted on 2nd December, 2019 and the matter was then adjourned for hearing.

Prior to the consolidation of the two actions, parties informed court that they are discussing and want some time to settle the matter amicably out of court which the court granted. The matter then suffered adjournments but parties in both actions were able to agree to a settlement out of court and accordingly prepared Terms of Settlement dated 30th December, 2019 and filed in the Court's Registry on 27th February, 2020.

On 4th March, 2020, parties in the consolidated action all applied through their respective counsel for the Terms of Settlement to be adopted or entered as Consent

Judgment in the consolidated action. The Terms of Settlement as agreed by parties are as follows:

- 1. WHEREAS the plaintiff in Suit No. FCT/HC/CV/028/17 – Alh. Babangida Muhammed V. Suleiman Abdullahi Bello- had taken out a writ against the defendant wherein he claimed among others the ownership of Flat 4, Block 69, No. 4 Mele Senawe Street, Off Sule Maitama Yusuf Street, Asokoro Abuja FCT and the defendant had also filed a defence and joined issues with the Plaintiff in the suit.**
- 2. WHEREAS the plaintiff in Suit No. FCT/HC/CV/2179/18- Suleiman Abdullai Bello V Dr. Yakubu Gambo- had taken out a writ against the defendant wherein he also claimed a purchase and ownership of Flat 4, Block 69, No. 4 Mele Senawe Street, Off Sule Maitama Yusuf Street, Asokoro Abuja FCT.**
- 3. WHEREAS the two suits/actions were pursuant to the application of Plaintiff in Suit No. FCT/HC/CV/2179/18, consolidated by the order of this Honourable Court on 2nd December, 2019.**
- 4. WHEREAS parties regret the dispute and misunderstandings that have arisen from the transactions relating to Flat 4 Block 69, No. 4 Mele Senawe Street, Off Sule Maitama Yusuf Street, Asokoro Abuja FCT.**
- 5. WHEREAS parties have resolved to amicably settle the dispute and all the issues relating to and/or arising from the misunderstandings on Flat 4, Block 69, No. 4 Mele Senawe Street, Off Sule Maitama Yusuf Street, Asokoro, Abuja FCT.**
- 6. WHEREAS the parties have agreed to settle the issue in the manner hereinafter set-out:**
 - i. That parties in all suits have agreed henceforth to embrace peace and harmonious relationship with one and another.**

- ii. That Suleiman Abdullahi Bello, the plaintiff herein has agreed to settle Alh. Babangida Muhammed; the plaintiff in Suit No: FCT/HC/CV/0268/17 and “the beneficial owner” of Block 69, Flat 4, No. 4 Mele Senawe Street Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT.**
- iii. That Alh. Babangida Muhammed and all other parties and/or any other person or persons relevant to a final and effectual settlement of this dispute, shall release and/or cause to be released all original documents relating to Block 69, Flat 4, No. 4 Mele Senawe Street Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT.**
- iv. That Suleiman Abdullahi Bello shall pay a sum of N35, 000, 000.00 (Thirty Five Million Naira) only as full and final settlement in respect of the property; the subject matter of these suits.**
- v. That parties shall execute and/or cause to be executed all documents necessary for a proper and effectual transfer of ownership over and/or all interest in Block 69, Flat 4, No. 4 Mele Senawe Street Off Sule Maitama Yusuf Street, Asokoro – Abuja, FCT to Suleiman Abdullahi Bello.**
- vi. That the payment of settlement sum of N35, 000, 000.00 shall be made to and/or through Professor Shehu Abdullahi Yibaikwal.**
- vii. That the original title documents shall remain with Prof. Shehu Abdullahi Yibaikwal – the facilitator of this amicable settlement process until Suleiman Abdullahi Bello fully pays the agreed amount N35, 000, 000.00.**
- viii. That Suleiman Abdullahi Bello shall endeavour to pay the agreed sum on or before 31st December, 2020 and in the event that he is unable to fully pay, he shall deliver and vacate possession and shall be refunded his deposit.**
- ix. That the parties have agreed to adopt these terms of settlement as a consent judgment of this Honourable Court in this suit.**

x. That the consent judgment in this suit, Suit No: FCT/HC/0268/17 shall abide in and also be the judgment of this Honourable Court in Suit No: FCT/HC/2179/18.

The above terms of settlement were duly executed by all the parties and their respective counsel in the consolidated action. It is stating the obvious that the primary responsibility of a court of law qua justice is to encourage the settling of matters out of court. Where parties settle and then prepare terms of settlement which they embody in a document and apply to court for same to be entered as consent judgment in the action, the duty of court at that point is limited to giving effect to the express intention of parties as embodied in the filed terms of settlement.

Accordingly, the terms of settlement dated 30th December, 2019 and filed in the Court's Registry on the 27th February, 2020 and duly executed by parties and their respective counsel is hereby entered as Consent Judgment in the consolidated action in **Suit No. FCT/HC/CV/0268/17** and **Suit No. FCT/HC/CV/2179/18**.

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Hon. Justice A.I. Kutigi

Appearances:

- 1. A.S. Gobir, Esq. for the Plaintiff in Suit No. CV/2179/18 and Defendant in Suit No. CV/0268/17.**
- 2. M.M. Gumsari, Esq. for the Defendant in Suit No. CV/2179/18.**
- 3. Idris Buba, Esq., for the Plaintiff in Suit No. CV/0268/17.**