

**IN THE HIGH COURT OF JUSTICE OF THE  
FEDERAL CAPITAL TERRITORY ABUJA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT JABI - ABUJA**

**BEFORE: HON. JUSTICE O. C. AGBAZA**

**COURT CLERKS: UKONU KALU & GODSPower EBAHOR**

**COURT NO: 10**

**SUIT NO: FCT/HC/CV/2029/2011**

**BETWEEN:**

**1. ABDULLAHI IBRAHIM IDRIS**

**2. ALHAJI LAWAL SALIHU**

(Suing as Next of KINS of LATE IDRIS ISMAILA

LATE MOHAMMED HABILA.....**CLAIMANTS**

**VS**

**1. MR OKOYE AZUBUIKE**

**2. MR. SAMPSON CHRISTOPHER**

**3. NICON INSURANCE PLC.....DEFENDANTS**

**CONSENT JUDGMENT**

This Suit was filed on 20/12/2011 by the Claimants seeking for the relief as contained in the Statement of Claim and after the case commenced into hearing extensively, the parties agreed to out of court settlement of the case. Consequently upon that resolution, the parties and their counsel entered into and filed Terms of Settlement dated 3/12/2019, endorsed by them and counsel, and filed on 9/1/2020, in urging the court to enter it as Consent Judgment of the parties in this Suit.

Consequent upon, this resolution of the parties, I hereby enter the Terms of Settlement dated 3/12/2019 and filed on 9/1/2020 be and entered as the Consent Judgment of the parties in this Suit. I so order.

### **TERMS OF SETTLEMENT**

The parties to this Suit hereby agree to settle the dispute between them in the manner set down herein.

**WHEREAS** the Plaintiffs by their Further Amended Statement of Claim, claim against the Defendants jointly and severally as follows:

- a. An Order directing the Defendants to pay the sum of ₦54,000,000.00 (Fifty Four Million Naira) being damages for negligence driving which cause the death of Late Mohammed Habila.
- b. An Order directing the Defendants to pay the sum of ₦10,000,000.00 (Ten Million Naira) only being damages for negligence which cause the death of Late Idris Ismaila.
- c. An Order directing the Defendants to pay the sum of ₦1,000,000.00 (One Million Naira) being the cost of this action by the Plaintiffs.

### **AND WHEREAS**

1. Upon the application of the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs' counsel for settlement out of court. The Honourable Court granted same for parties to exploit settlement out of court.

2. Parties have held meeting and agreed for settlement as set out below:-

**WHEREBY IT IS AGREED AS FOLLOWS:-**

1. That the 3<sup>rd</sup> Defendant pays in respect of the Plaintiffs' claim set out above the sum of:
  - a. ₦2,000,000.00 (Two Million Naira) to the 1<sup>st</sup> Plaintiff.
  - b. ₦2,000,000.00 (Two Million Naira) to the 2<sup>nd</sup> Plaintiff respectively.
2. That the said sums as in the preceding paragraphs be paid through the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs' counsel (on record) account No. 3054497280 First Bank.
3. That the total sum of ₦4,000,000.00 (Four Million Naira) be paid in two installments:
  - a. First installment: ₦2,000,000.00 (Two Million Naira) to be paid within one month from the date of Judgment.
  - b. The 2<sup>nd</sup> installment of ₦2,000,000.00 (Two Million Naira) to be paid within two months from the date of Judgment.
4. That each party shall bear his/its own costs of prosecuting and defending this action.
5. That this Terms of Settlement should be entered as Consent Judgment of the Honourable Court.

**HON. JUSTICE O.C. AGBAZA**

Judge

16/9/2020

ESTHER ABBEY OIIO ESQ – FOR THE CLAIMANTS

LINUS OKWUTE ESQ FOR THE 1<sup>ST</sup> AND 2<sup>ND</sup> DEFENDANTS

IFEANYI EGWUASI ESQ FOR THE 3<sup>RD</sup> DEFENDANT