

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION**

HOLDEN AT JABI, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE D. Z. SENCHI

COURT CLERKS: T. P. SALLAH & ORS

COURT NUMBER: HIGH COURT NO. 12

DATE: 18/11/2020

BETWEEN:-

FCT/HC/CV/1842/2020

MR JOSHUA SAMSON-----

CLAIMANT

AND

1. DEBT MANAGEMENT OFFICE NIGERIA

2. MEDIA TRUST NIG. LTD

DEFENDANTS

JUDGMENT

By a writ of summons dated and filed on the 16th June, 2020 accompanied with a statement of claim and other processes, the Claimant commenced this suit against the Defendants. The claims of the Plaintiff against the Defendants jointly and severally are as follows:-

- (a) An order directing the Defendants to apologize to the claimant and retract the publication of 22nd May, 2020 at page 17 of Daily Trust Newspaper.
- (b) An order for the sum of N50,000,000.00 as general damages against the Defendants for the injuries suffered by the Claimant as a result of the publication which is equally an infringement of the Claimant's right to privacy
- (c) An order of the sum of N2,000,000.00 as cost of litigation
- (d) And for such further order(s) as this Honourable Court may deem fit to make in the circumstances of this suit.

The Defendants i.e the 1st and 2nd Defendants were duly served with the processes in this suit on the 3rd July, 2020. They both acknowledged receipt of the processes and individually endorsed at the back cover of the return copy as prove of such service.

Hearing notices were equally issued and served on the Defendants. The duplicate copies of the hearing notice were filed in Court as evidence of such service.

The case was then adjourned to the 17th September, 2020 for hearing. On the 17th September, 2020, Mr. D.S Akaahs on behalf of the Claimant informed the Court that though the matter is coming up for the first time, he stated that the Defendants had approached the Claimant for settlement out of Court. Both Counsel for the Defendants i.e S. H.Barku and SegunOlatunji informed the Court that, that is the position and that parties are discussing and desirous of settling the matter. The case was then adjourned to 5th October, 2020 for report of settlement. On 5th October, 2020, Counsel to the respective parties applied for a date to file terms of settlement and adopt same. The case was then adjourned today the 18th November, 2020 for adoption of terms of settlement.

The learned Counsel to the Claimant informed the Court that parties have filed terms of settlement dated 5th October, 2020 and filed on 30th October, 2020. He therefore humbly adopted the terms of settlement on behalf of the Claimant and he urged me to enter the terms of settlement as consent judgment for the parties. The two sets of Defendants aligned themselves with the position of the Claimant's Counsel and further urged me to enter the terms of settlement as consent judgment for the parties.

Thus, by the terms of settlement dated 5th October, 2020 and filed on 30th October, 2020, the parties in this instant suit agreed as follows:-

1. Noah's Ark and the financial advisers shall pay the Claimant the total sum of N5,000,000.00 (Five Million Naira) only, inclusive of statutory taxes as full and final compensation for the inconvenience occasioned by the unauthorized use of his image and statement credited to him by the 1st and 2nd Defendants.
2. Noah's Ark and the Financial Advisers shall pay the Claimant the compensation sum of N5,000,000.00 referred to in clause 3 above in the following instalments:-

- i. N1,000,000.00 to be paid by electronic transfer into the Claimant's nominated bank account within 24 hours of execution and filing of this terms of settlement by the Claimant.
 - ii. N2,000,000.00 to be paid by electronic transfer into the Claimant's nominated bank account within 24 hours of the Court's entering this terms of settlement as consent judgment.
 - iii. N2,000,000.00 to be paid by electronic transfer into the claimant's nominated bank account within 30 days of receipt of the certified true copy of the consent judgment.
3. The Claimant shall accept the N5,000,000.00 referred to in clause 3 and the method of payment in clause 4 as full and final payment of any claim for compensation against the Defendants in this suit before the High Court of the Federal Capital Territory, Abuja- FCT.
4. In consideration of the payment agreed to be made by Noah's Ark and the Financial Advisers pursuant to clause 3 and 4 above, the Claimant shall renounce and never pursue any claims against any person including the 1st and 2nd Defendants; its members, officers, employees, contractors, agents associates, Directors, shareholders, advisers or anyone connected with the subject matter of this suit however arising whether or not connected to the matter of compensation for the inconveniences occasioned by the unauthorized use of his image and undertakes not to bring any related claim whatsoever against any person including the Defendants or any of members, officers, employees, contractors, agents, associates, Directors, shareholders, advisers and anyone connected with the subject matter of this suit.
5. This terms of settlement shall be binding on all the parties named therein and shall be entered as consent judgment by the Honourable Court upon its adoption by the Claimant and the 1st and 2nd Defendant.

The terms of settlement have been duly signed by the Claimant and the respective Defendants represented by the Director Legal

Services of the 1st Defendant and a Director and Secretary of the 2nd Defendant. The parties in this suit agree that the above terms of settlement be entered as consent judgment on their behalf. Accordingly therefore, the above terms of settlement duly executed on 5th October, 2020 and filed on 30th October, 2020 are hereby entered for the parties as consent judgment and that is the judgment of this Court.

HON. JUSTICE D.Z. SENCHI
(PRESIDING JUDGE)
18/11/2020

Parties:- Absent.

A. C Uche:- For the Claimant with me are J.S Attah and Jennifer Ogbegwu

S.H Barka:- For the 1st Defendant
SegunOlatunjiFor the 2nd Defendant.

Sign
Judge
18/11/2020