

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP:HON. JUSTICE Y. HALILU

COURT CLERKS : JANET O. ODAH & ORS

COURT NUMBER : HIGH COURT NO. 22

CASE NUMBER : SUIT NO: CV/3085/2019

DATE: : TUESDAY 8TH DECEMBER, 2020

BETWEEN:

HON. ISA USMAN AMBAKA CLAIMANT

AND

- 1.ZUMFA WORLD WIDE INVESTMENT LTD**
- 2. BARRISTER YAHAYA AMIN ALIYU EBBO**
- 3.ENZO INTEGRATED CONCEPTLTD. DEFENDANTS**
- 4. BELYN PHARMACY LTD**
- 5. JIU HUA NIGERIA COMPANY LTD**

CONSENT JUDGMENT

By a writ of summons dated and filed on the 2nd October, 2019, Claimant claimed from the Defendant the following:-

- a. A Declaration that it ultra vires the 6th Defendant to execute a power of attorney donating its powers, rights, interests and benefits on that parcel of land known as and situated at Plot 1081, Cadastral Zone A00, Central Area, Abuja covered by and evidence in Certificate of Occupancy with File No. MISC 17057 issued by and under the hand of the 4th Defendant to any other person having donated same to the 1st Defendant.

- b. A Declaration that it ultra vires the 4th Defendant to execute a deed of assignment whereby it

assigns its powers, rights, interests and benefits on that parcel of land known as and situated at Plot 1081, Cadastral Zone A00, Central Area, Abuja covered by and evidence in Certificate of occupancy with File No. MISC 17057 issued by and under the hand of the 4th Defendant with any other person having executed and assigned same to the 1st Defendant.

- c. A Declaration that the Power of Attorney and Deed of Assignment executed by the 4th Defendant and in favour of the 5th Defendant ultra vires the 4th Defendant and therefore the interest purported to have transferred the unexpired and subsisting interest on an over that parcel of land as and situate at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245

and PB6233, as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 is null and void and without any legal consequence.

- d. A Declaration that the claimant is the person entitled to be registered as the holder of the statutory right of occupancy of that parcel of land known as and situate at Plot No. 6 Cadastral Zone B15, Sector Central A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 issued by and under the hand of the 4th Defendant, the 1st Defendant having transferred, assigned and alienated its interest in the said parcel of land to the Claimant.

e. A Declaration that by virtue of the transfer, assignment and alienation of the 1st Defendant's interest on and over that parcel of land known as and situated at Plot 1081, Cadastral Zone A00, Central Area, Abuja covered by and evidenced in Certificate of Occupancy with File No. MISC 17057 issued by and under the hand of the 4th Defendant, and by virtue of the replacement of Plot 1081, Cadastral Zone A00, Central Area, Abuja covered by and evidenced in Certificate of Occupancy with File No. MISC 17057 by the 4th Defendant with Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 issued by and under the hand of the 4th Defendant, same

ought to have been issued by the 4th Defendant in the name of the Claimant.

- f. A Declaration that the letter of instruction issued by the Claimant to the 3rd Defendant did not include or cover the authority of the 3rd Defendant to execute a Power of Attorney for and on behalf of the Claimant with a third party, including the 5th Defendant or assign the unexpired and subsisting interest of the Claimant on and over that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 to a third party, including the 5th Defendant, in his own

name and as the beneficial owner of that parcel of land or at all.

- g. A Declaration that the Power of Attorney and Deed of Assignment executed by the 3rd Defendant and in favour of the 5th Defendant ultra vires the 3rd Defendant and therefore the interest purporting to have transferred the unexpired and subsisting interest on and over that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 without the consent or authority of the Claimant is null and void and without any legal consequence.

- h. An Order directing the 1st Defendant to execute a Deed of Assignment in favour of the Claimant transferring, assigning and alienating all its interests as subsisting on and over Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555.
- i. An Order directing the 4th Defendant to rectify the Certificate of Occupancy with File No. MISC 58555 covered and evidencing the Claimant's interest on and over that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 issued by and under the hand of the

4th Defendant by issuing same in the name of the Claimant.

j. An Order setting aside Power of Attorney and Deed of Assignment executed by the 4th Defendant and in favour of the 5th Defendant purporting to have transferred the unexpired and subsisting interest on and over that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 to the 5th Defendant.

k. An Order setting aside the Power of Attorney and Deed of Assignment executed by the 3rd Defendant and in favour of the 5th

Defendant purporting to have transferred the unexpired and subsisting interest on an over that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 to the 5th Defendant.

1. An Order directing the 5th Defendant to cease further trespass on that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 by removing its workers and materials from the said parcel of land.

- m. An Order ejecting the 5th Defendant, its servants, officers, privies, agents from all that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555.
- n. An Order restoring possession to the Claimant all that parcel of land known as and situated at Plot No. 6 Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555.

- o. An Order directing the 5th Defendant to pay the sum of N90,000,000.00 as general damages to the Claimant for the act of trespass committed by the 5th Defendant when it entered or caused its servants, officers, privies, agents to enter that parcel of land known as and situated at Plot No. 6Cadastral Zone B15, Sector Centre A, Abuja with beacon numbers PB6234, PB6235, PB6245 and PB6233 as covered by and evidenced in Certificate of Occupancy with File No. MISC 58555 without the knowledge, consent and authority of the Claimant and commenced development thereon.
- p. 17% per annum of the Judgment sum from the date of Judgment until same is fully and finally liquidated.

q. Solicitor's cost.

COURT:-Midway into the hearing of this suit, parties indicated desire to settle out of court in consequence of which Terms of Settlement was filed and same adopted by the respective counsel for the Claimant and Defendants and court was urged to enter same as Consent Judgment.

Parties who opt out for settlement and make good their desire by filing terms of settlement and adopt same, shall have the benefit of having judgment pronounced upon such terms thereby clothing it with the legitimacy and authority of judgment of court.

The court shall do that by affixing judicial limbs and infusing judicial blood into the said term of settlement to make same legally locomotive.

Accordingly, Judgment is hereby entered in favour of the parties in suit **No. FCT/HC/CV/3085/2019** dated the 7th day of December, 2020 as per the Terms of Judgment herein attached. So help me God.

Justice Y. Halilu
Hon. Judge
8th December, 2020

APPEARANCE

ALIYU Y. AMIN – for the 1st and 2nd Defendants.

C. O Ogbu – for the 3rd Defendant.

B.O ADESINA – for the 4th Defendant.

SAMUEL O. – for the 5th Defendant with EZEKIEL AMEH.

G.U NWANERI – for the Claimant.