

IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT HIGH COURT MAITAMA –ABUJA

BEFORE: HIS LORDSHIP HON. JUSTICE S.U. BATURE

COURT CLERKS: JAMILA OMEKE & ORS
COURT NUMBER: HIGH COURT NO. 32
CASE NUMBER: SUIT NO. FCT/HC/CV/1378/19
DATE: 16TH OCTOBER, 2020

BETWEEN:

BETRAM CHUDI UDEH.....CLAIMANT

AND

AKWUH OKPANACHI MUHAMMED & 1 OR.....DEFENDANTS

APPEARANCE

Y. E Udeh Esq for the Plaintiff.

G. E. Ndubuisi Esq for the 1st and 2nd Defendants.

CONSENT JUDGMENT

The parties in this suit have filed memorandum of settlement dated and filed 16/10/2020 which provides as follows:-

MEMORANDUM OF SETTLEMENT

Introduction: The Claimant by a writ of Summons dated and filed the same date, 20th March, 2019, sued the defendants before this Honourable Court, claiming the following reliefs:-

1. A declaration that the claimant is the rightful, lawful and beneficial owner of the land measuring about 3000m², and the factory with its appurtenances (the buildings, machines, generator, fittings factory vehicles and all items connected thereto, situate at Plot 67 SDP commercial layout, Gwagwalada, Abuja.
2. A declaration that as at 3rd June, 2018, the defendants are trespassers and continuing trespassers at the land measuring about 3000m², the factory situate at Plot 67, SDP Commercial Layout, Gwagwalada Abuja.
3. A perpetual injunction restraining the defendants from further acts of trespass on the claimant's land measuring about 3000m² and the factory with all its appurtenances connected thereto, situate at Plot 67 SDP Commercial Layout, Gwagwalada, Abuja.
4. And order directing the defendants to pay the claimant, the sum of ₦5,000,000.00 (Five Million Naira) only, per month as profit from the factory being the sum realized by the Defendants, from the 3rd day of the month of June, 2018 when the trespass began, till the date they will vacate same, or to the final determination of this matter.
5. An order directing the defendants to pay the sum of ₦5, 000,000.00 (Five Million Naira) only to the claimant for acts of trespass and continuing trespass.
6. An order directing the defendants to pay the claimant the sum of ₦10, 000,000.00 (Ten Million Naira) only, as breach of contract.
7. The sum of Five Million Naira (5,000,000.00) for the tort of deceit.
8. An order directing the defendants to pay to the claimant the sum of ₦2,000,000.00 (Two Million Naira) only as cost of prosecuting this action.
9. And for such order(s) as this court may deem to make in the circumstances of this case.

Background of the case:

The matter has proceeded beyond the pre-trial stage, and adjourned for report of settlement or hearing, but parties could not meet to resolve the matter then.

The parties have now successfully met and agreed to settle this matter amicably, hence, this memorandum of settlement.

Now, the parties have agreed to resolve this matter out of court on the following terms of settlement:-

1. That the defendants shall jointly pay a sum of **₦9,500,000.00 (Nine Million Five Hundred Thousand Naira)** only, to the Claimant, in fulfillment of their financial obligation due to the claimant.
2. That the defendants shall pay another sum of **₦500, 000.00 (five Hundred Thousand Naira)** only, to the claimant for cost and expenses incurred by the claimant so far in this matter and for the mesn profit enjoyed by the defendants in the use of the factory till date.
3. That this total sum of money the defendants are to pay to the claimant is **₦10,000,000.00 (Ten Million Naira)** only, shall be paid in not more than 2 (Two) installments, and shall not exceed 2 (Two) installments.
4. That the 1st payment of **₦5,000,000.00 (Five Million Naira)** only, shall be made on or before the end of December, 2020; while the 2nd (final) payment of **₦5,000,000.00 (Five Million Naira)** only, shall be made on or before the end of March, 2021 and shall not exceed the stated date.
5. That the claimant shall. Upon the receipt of the total, complete and final payment from the defendants, handover the original title documents of the land upon which the factory is built and all documents to the appurtenances thereto, to the Defendants.
6. The claimant and the defendants shall execute all necessary documents incidental to the passing of ownership of the factory to the defendants upon completion of payment by the defendants.
7. The claimant shall also handover the land title document of the defendants, (which is in the Claimant's custody, kept with the claimant by the defendants as safe keeping), to the defendants upon claimant's receipt of the full payment of the said **₦10,000,000.00** from the defendant.

Therefore, parties having adopted and duly executed the said memorandum of settlement, same is hereby entered as consent judgment of the parties in this suit before this Honourable Court.

Signed

HON. JUSTICE SAMIRAH UMAR BATURE.

16/10/2020.

Claimant's counsel: We are most grateful.

Defendant's counsel: Ndubuisi Esq we are most grateful.