

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY IN**  
**THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT ABUJA**  
**ON 1ST DAY OF MARCH, 2021**  
**BEFORE HIS LORDSHIP: HON. JUSTICE MUHAMMAD S. IDRIS**  
**MOTION NO: CV/3071/2020**

**BETWEEN:**

**INFINITY FURNITURE COMPANY LTD .....PLAINTIFF**

**AND**

**G.P.P. GROUP & 10R .....DEFENDANT**

**JUDGMENT**

**John Kyrian Etuk** for the Plaintiff.

**John Kyrian:** On the 15/2/2021. We were here incidentally the counsel to the Defendant worked in. He was not properly before the court. The court said in the interest of justice he should just be heard and he announced his appearance and promise that he would do the needful and file his defence eventually he was out of time. There was award of N5,000.00 as cost. To my great surprise the Defendant did not file any memo of appearance neither has he filed any defence nor does he complied with the issue of cost.

In the interest of justice am applying that let the court invoke the provision of Order 35 rule 4 of this court's 2018. In view of the forgoing, we are seeking the leave of this court that judgment be entered in favour of the Plaintiff against the Defendant.

**Court:** I quite agreed with the both submission and application made aforesaid by the Plaintiff counsel I am equally mindful of Order 35 rule 4 Civil Procedure Rules 2018 applicable to FCT High court. The defendant was initially given time to file his defence and memorandum but has refuse to do consequently this court has no option than to enter Judgment as per the Plaintiff claim. This is strictly based on order 35 Rule 4 of the FCT Civil Procedure Rule 2018. Accordingly Judgment is hereby entered in favour of the Plaintiff against the Defendant as per the Plaintiff claim. No Order as to cost of filing this suit.

**John:** We thank the court for the Judgment.

Signed  
Hon. Judge  
1/3/2021