

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

THIS THURSDAY, THE 9TH DAY OF NOVEMBER, 2023

BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI-JUDGE

SUIT NO: CV/1764/2022

BETWEEN

1. SYMBOLS CUISINE LTD
2. ADOLI JAMES E. } **CLAIMANTS**

AND

1. ALHAJI BELLO YAKUBU
2. SALMAT CONCEPTS LTD
3. NICOLES CORPORATE VENTURES
4. YAKUBU S. IBRAHIM
5. ABUJA METROPOLITAN MANAGEMENT
AGENCY (AMMA)
6. FEDERAL CAPITAL DEVELOPMENT AUTHORITY
(FCDA)
7. HON. MINISTER FEDERAL CAPITAL TERRITORY } **DEFENDANTS**

JUDGMENT

The Claimants claim as endorsed on the Amended Writ of Summons and Statement of claim dated 6th April, 2023 and filed in the Court's Registry on the same date are as follows:

- 1. A Declaration that the claimants are the lawful holder of the Sublease of Recreational Facilities known as Plot No. 104C, Zone B14, Apo Dutse, FCT, Abuja Nigeria measuring about two (2) hectares and more particularly described in the Site plan.**

- 2. A Declaration that the claimant is entitled to the possession of that Recreational Facilities known as Plot No. 104C, Zone B14 Apo Dutse, FCT, Abuja Nigeria measuring about two (2) hectares and more particularly described in the Site plan.**
- 3. And (sic) Order of this court that the Deed of Sublease created in favour of the 1st claimant by 5th to 7th defendants respecting the premises known as Plot No. 104C Zone B14 Apo Dutse, FCT, Abuja Nigeria measuring about two (2) hectares is valid and subsisting.**
- 4. A Declaration that the 1st and 2nd Defendants trespassed on the said premises/recreational facilities known as Plot No. 104C, Zone B14 Apo Dutse, FCT, Abuja Nigeria measuring about two (2) hectares when they forcefully entered the said property without the consent of the claimant and started demolishing the wire fence erected by the claimant.**
- 5. Delete.**
- 6. A declaration that the 3rd and 4th Defendants trespassed on the said premises/Recreational facilities known as Plot No. 104C, Zone B14, Apo Dutse, FCT, Abuja Nigeria, measuring about two (2) hectares when they forcefully entered the said property without the consent of the claimant and threatened to forcefully eject the claimants therefrom.**
- 7. An order of this Honourable court declaring as illegal and void any other certificate purported to be issued to any person howsoever described in respect to that premises Recreational facilities known as Plot No. 104C, Zone B14 Apo Dutse, FCT, Abuja Nigeria measuring about two (2) hectares, the claimant's interest on the premises having not extinguished.**
- 8. A perpetual order of injunction restraining the defendants either by themselves, their assigns, agents, children, whosoever acting on their instruction or on their behalf from further trespassing into the said premises Plot No 104C, Zone B14, Apo Dutse, FCT, Abuja Nigeria, measuring about two (2) hectares.**
- 9. The sum of N200, 000, 000 (Two Hundred Million Naira only) severally and jointly against the defendants as general for their act of**

trespass on the plaintiff premises Plot No 104C, Zone B14, Apo Dutse, FCT, Abuja Nigeria, measuring about two (2) hectares.

10. The sum of N5, 000, 000 being the cost the plaintiff paid the legal firm of S.M. Oluebube & Co. to institute this suit.

11. Ten percent (10%) interest on the judgment sum from the date judgment is delivered in this suit to the date that the said sum is liquidated by the Defendants.

The originating court processes were duly served on all the Defendants who all joined issues with claimants by filing their respective statements of defence in response to the Amended Writ of Summons and statement of claim of the claimants. When the matter came up for hearing on 9th November, 2023, the claimants counsel informed the court that parties have amicably settled the matter and prepared Terms of Settlement dated 31st October, 2023 and filed in the Court's Registry on the 7th November, 2023.

Learned counsel for the claimants and defendants on both sides of the aisle, then applied that the Terms of Settlement filed in the Court's Registry on the 7th November, 2023 be entered as consent judgment in the case. The Terms of Settlement as mutually agreed by the parties and their respective counsel and to be binding on all the parties are as follows:

- 1. The Claimants shall hand over possession of the portion claimed, i.e. plot 104C measuring approximately two hectares to the 1st and 2nd Defendants upon the fulfillment of the following:**
 - a. Payment of N100, 000, 000.00 (One Hundred Million Naira) by the 1st and 2nd defendants to the claimants upon the adoption of these terms.**
- 2. The Claimants undertake to vacate and relocate its tent and all other personal belongings from Plot 104C, as part of its responsibility of handing over physical possession of Plot 104C to the 1st and 2nd defendants within three months from the occurrence of clause 1(a) above.**
- 3. That consequent upon the above terms, the entire plot 104C Cadastral Zone B14, Dutse District shall be subsumed in one whole**

plot 104 Cadastral Zone B14 Dutse District and in favour of the 1st and 2nd defendants forthwith.

- 4. That the above terms settles any dispute arising from plot 104 and 104C as regards the role of the other defendants or whatever claims to possession or ownership.**
- 5. That these terms be entered as consent judgment between the aptries herein constituted, having read and accepted the terms as a means of settling the matter in dispute.**

The above terms of settlement were duly executed by parties particularly the claimants, 1st, 2nd, 3rd and 4th Defendants and their respective counsel in the matter. The 5th – 7th Defendants who were represented by counsel in court agreed to the adoption of these terms as consent judgment in this case. It is stating the obvious that the primary responsibility of a court of law qua justice is to encourage parties to settle matters out of court. Where parties settle and then prepare terms of settlement which they embody in a document and apply to court for same to be entered as consent judgment in the action, the duty of court at that point is limited to giving effect to the express intention of parties as embodied in the filed terms of settlement.

Accordingly, the Terms of Settlement dated 31st October, 2023 and filed in the Court's Registry on the 7th November, 2023 and duly executed by parties and their respective counsel is hereby entered as Consent Judgment in this matter.

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Hon. Justice A.I. Kutigi

Appearances:

- 1. S.M. Oluebebe, Esq., for the Claimant***
- 2. E.O. Offiong, Esq., for the 1st and 2nd Defendants***
- 3. Emmanuel Ezeifedikwa, Esq., with Sylvia Oyageshio Esq., for the 3rd and 4th Defendants.***
- 4. Maimuna Jafar, Esq., for the 5th – 7th Defendants.***