

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
IN THE ABUJA JUDICIAL DIVISION,
HOLDEN AT GARKI COURT 10, FCT, ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE S. B. BELGORE**

CLERK: CHARITY ONUZULIKE

SUIT NO: FCT/HC/CV/3031/21

DATE: 15/1/2024

BETWEEN

1. MR. BOND INYANG
2. MRS. NTIYAK BARWA..... CLAIMANTS

AND

- | | | |
|-------------------------------------------------------|---|-------------------|
| 1. TRUSTEES MICHENO MULTIPURPOSE
COOP. SOCIETY LTD | } | DEFENDANTS |
| 2. ECONOMIC AND FINANCIAL CRIME
COMMISSION | | |

JUDGMENT
(DELIVERED BY HON. JUSTICE S. B. BELGORE)

The undefended list procedure is a unique and *sui generis* species of proceedings, and as such it is strictly governed by its own set of Rules, in this case, **Order 35 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2018**. Thus, actions brought under the procedure are not to be confused or lumped together howsoever with other civil proceedings.

The purpose of the undefended list procedure is for cases bordering on a liquidated money demand to be heard expeditiously to avoid going through the whole hog of a lengthy trial. See **ASUQUO VS. UDOAKA (2021) LPELR-57428(SC)** Pp. 8-11.

In a suit marked and placed under the undefended list procedure, there are certain germane steps and procedures that must be observed by the Court. These procedures, long settled in our laws, is as follows:

- (1) Upon the matter under the undefended list procedure coming up for hearing, the Court has only one duty, which is to see if a Notice of Intention to Defend with an affidavit disclosing a defence on the merits was filed by the Defendant. If none was so filed, the Court must proceed to judgment. See **BEN THOMAS HOTEL LTD VS. SEBI FURNITURE LTD (1989) 5 NWLR (PT. 123) 523 SC.**
- (2) In an action brought under the undefended list procedure, the trial Court is required to consider only the evidence contained in the affidavit filed by the Defendant in support of the Notice of Intention to Defend the action. If the Court comes to the conclusion that the affidavit fails to disclose a defence on the merit, the Court is duty bound to proceed with the hearing of the suit and to enter judgment accordingly, without necessarily calling on the Defendant to be heard, even if such a Defendant is present in Court. See **HAIDO VS. USMAN (2004) 3 NWLR (PT. 859) 65.**

In this suit marked “undefended” on the 9/2/2022, the Claimants, brought this action against the Defendants claiming the following;

- (1) **A DECLARATION** that the Claimants are entitled to the refund of sum of **N257,000,000.00 (Two Hundred and Fifty Seven Million Naira Only)** being their hard-earned money invested in 1st Defendant scam investment.
- (2) **A DECLARATION** that the Claimants are entitled to 21% annual interest on the sum of **257,000,000.00 (Two Hundred and Fifty Seven Million Naira Only)** invested by them into the 1st Defendants from July, 2018 till judgment is delivered.
- (3) **A DECLARATION** that each Board Member/Trustees of the 1st Defendant are jointly and severally liable to refund to the Claimants to the sum of **N257,000,000.00 (Two Hundred and Fifty Seven Million Naira Only)** invested in the 1st Defendants scam investment.
- (4) **AN ORDER** of this Honourable Court to the 1st Defendant to refund the sum of **N257,000,000.00 (Two Hundred and Fifty Seven Million Naira Only)** being the amount invested in the scam investment.
- (5) **AN ORDER** of this Honourable Court to recover all the monies of the Claimants that was transferred from the 1st Defendant Bank Account(s) to the personal bank account of all the trustees in the persons of Mr. Michael Eke, Enoquin Essien Joseph Eke and Mr. Anya Kalu (Mbakara) are all trustees of the 1st Defendant.
- (6) **AN ORDER** of this Honourable Court to the 1st Defendant to refund the sum of **N257,000,000.00 (Two Hundred and Fifty Seven Million Naira Only)** with 21% interest from July, 2018 until judgment and total money paid.

- (7) **AN ORDER** of this Honourable Court to the 2nd Defendant vacating the ex-parte Order that froze the Bank Accounts of the 1st Defendant annual for purpose of refunding to the Claimants the total sums of **N257,000,000.00 (Two Hundred and Fifty Seven Million Naira Only)** money in the said accounts.
- (8) **THE SUM OF N1,000,000.00 (One Million Naira Only)** being the cost of this action.

In support of the claim is a 35-paragraph affidavit deposed to by the 1st Claimant himself. There are Nine annexures attached to the affidavit marked as **Exhibit YZ1 – Exhibits YZ9**.

Exhibit YZ1: Is the Certificate of Registration of the 1st Defendant

Exhibit YZ2: Is the Defendant Registration Form No. 27000 dated 27th March, 2018.

Exhibit YZ3: Is a photocopy of brochure

Exhibit YZ4 & 5: Is a copy of Statement of Account as well as 1st Claimant personal printout showing respectively all the monies as paid into the 1st Defendant Account.

Exhibit YZ 6: A copy of the said list of Investors

Exhibit YZ 7: A copy of EcoBank Plc Statement of Account

Exhibit YZ 8: A copy of the Statement of Account

Exhibit YZ 9: A copy of our letter of Appeal

The 2nd Claimant also in support deposed to a 28 paragraphs affidavit with another set of Exhibits marked as Exhibit YZ1 – YZ8.

Exhibit YZ1: Is a photocopy of the Certificate of Registration of the Defendant.

Exhibit YZ2: A copy of the 1st Defendant Registration Form No. 27000 dated 27th March, 2018.

Exhibit YZ3: A photocopy of the brochure

Exhibit YZ 4(a) & (b): Is a copy of the Statement of Account that contained the money paid into the 1st Defendant account

Exhibit YZ 5: Is a copy of the deposit teller

Exhibit YZ 6: Is a copy of the bank teller

Exhibit YZ 7: Is a copy of the electronic teller

Exhibit YZ 8: Is a copy of the Certificate of Compliance

Paragraph 33 of 1st Claimant and paragraph 26 of 2nd Claimant says that the Defendants have no defence whatsoever to the action.

Upon being served with the writ, the Defendant vide substituted means by Newspaper publication of 30th November, 2023 of Leadership Newspaper filed no Notice of Intention to defend/affidavit disclosing a defence on the merit.

SUMMARY OF THE CASE OF THE 1st CLAIMANT

1. That sometime in 2018, the 1st Defendant put up advertisements vide Print and media circulating both in Calabar and FCT to the general public inviting the public to register with the 1st Defendant Cooperative and become members of the Micheno Multipurpose Co-operative Society.
2. That on 16th June, 2018, the 1st Defendant organized an advert promotion with at an opening ceremony held at Calabar International Conference centre with billboards mounted at Calabar and FCT Abuja and as well as presentation in NTA Nigeria Television Authority.
3. That I have the mandate of the Mr. Tony Adah, Wendy Daniel, Ibe Gasper Anamelechi in this Suit who are also persons that invested through me in the 1st Defendant and have instructed that I take action to recover all their monies as invested in and with the 1st Defendant.
4. That upon the mandate, and the damages I have suffered in the hands of the 1st Defendant, I have commenced this Suit against the Defendants to recover all funds belonging to me and persons whom I represent which have been stolen by the 1st Defendant and still in their custody.
5. That upon the advertisement of the 1st Defendant, my self and all the persons whom I herein represents expressed an intention to become members of the Co-operative Society.
6. That we were deceptively informed by the 1st Defendant that upon investing monies into the Co-operative, we were entitled within Forty(40) days of our investment, our initial Capital as

well as a profit of 50% derivable by the Cooperative from its investments of our funds.

7. That between 28th June, 2018 to 31st July 2018, I Mr. Bond Inyang paid the sum of **N47,200,000 (Fourty Seven Million, Two Hundred Thousand Naira Only)** to the 1st Defendant's Bank Account vide inter bank transfers, direct deposit to the 1st Defendants GTBANK Account **No: 0346460004** for investment as advertised with the aim of making profit. **(Herein attached is a copy of the Statement of Account as well as my personal printout showing respectively all the monies as paid into the 1st Defendant's account and marked as exhibit YZ 4 & 5).**
8. That on 28th June, 2018, I made a deposit of the sum of **N5,000,000 (Five Million Naira Only)** through one Emmanuel Ekpan. Receipt of same was acknowledged by the 1st Defendant as money received contained in the list of investors and the amount of money invested that was published by the 1st Defendant. **(Herein attached is a copy of the said list of investors and marked as Exhibit YZ 6).**
9. That on 3rd July, 2018; I made a transfer of **N3,600,000 (Three Million, Six Hundred Thousand Naira Only)** from my Fidelity Bank Account No – **6017705366** to the Defendants **GTB Bank Account No. 0346460004.**
10. That on 10th July, 2018, I made a transfer of **N4,000,000 (Four Million Naira Only)** from my Fidelity Bank Account to the 1st Defendant **GTB Bank Account No. 0346460004.**
11. On 13th July, 2018, I made a transfer of the sum of **N4,000,000 (Four Million Naira)** from my Fidelity Bank.

12. That on 16th July, 2018; I transferred the sum of **N3,000,000 (Three Million Naira)** vide my Fidelity Account No: to the 1st Defendant.
13. That on 18th July, 2021, I transferred the sum of **N6,000,000 (Six Million Naira)** into the Fidelity Account of the 1st Defendant.
14. That on 20th July, 2018, I transferred the sum of **N3,000,000 (Three Million Naira)** from my Fidelity bank Account to the 1st Defendant GTB Bank Account.
15. That on 24th July, 2018 I transferred the sum of **N11,000,000 (Eleven Million Naira)** from my Fidelity Bank Account to the 1st Defendant Fidelity Bank account.
16. That on 27th July, 2018, I paid the sum of **N1,000,000 (One Million Naira)** from my Fidelity Bank Account No. 6017705366 to the 1st Defendant.
17. That on 31st July, 2018, I transferred the sum of **N600,000 (Six Hundred Thousand Naira Only)** vide my Account No: 6017705366 to the 1st Defendant.
18. That I was reliably informed that the 1st Defendants had the intention to defraud members of the public from the start as from the inception, when monies are paid into the Co-operative accounts, the monies were immediately diverted into the Board members personal private accounts.
19. That my Cousin Mr. Tony Adah on 11th July, 2019 invested into the 1st Defendant through me the sum of **N30,000,000 (Thirty Million Naira Only)**. The payment was made vide bank transfer from Eco Bank into the 1st Defendant's Bank Account (**Herein**

attached is a copy of the Eco Bank Plc Statement of Account and marked as Exhibit YZ 7).

20. That through me, Wendy Daniel on 4th July, 2018 vide her GTB account, invested into the 1st defendant and paid in the total sum of **N15,000,000 (Fifteen Million Naira Only)** into the 1st Defendant's account. **(Herein attached is a copy of the Statement of Account and same is marked as Exhibit YZ 8).**
21. That Mr. Ibe Gasper Anamelechi also invested in the 1st Defendant and made a direct deposit of the sum **N5,000,000 (Five Million Naira Only)** on 24/07/2021 into the 1st Defendant's Account. The 1st defendant acknowledges receipt of same as contained Exhibit YZ 6 which is a document that emanated from the 1st Defendant showing list of all its investors and amounts so invested in the Co-operative.
22. That as result of this fraud, embezzlement and converting for personal use all the funds I and my co-investors have put into the 1st Defendant Co-operative Business, I lost my job because I encouraged my Managing Director to invest in the purported investment that was later discovered to be a scam and a failure.
23. That some people that invested through me into the 1st Defendant have died and many developed several kinds of health challenges upon discovering that their life long investments in the custody of the 1st Defendant and their purported Co-operative business was only but a ruse to deprive well-meaning Nigerians of their hard earned resources.
24. That I know that the 1st Defendant has no defence to this Suit.

SUMMARY OF THE CASE OF THE 2ND CLAIMANT

1. That between the Month of June-July, 2018, I paid the 1st Defendant the sum of **N77,620,000 (Seventy-Seven Million, Six Hundred and Twenty Thousand Naira Only)** from my Diamond/Access Bank accounts No. **0097320901** and **0097176878** respectively being my investment into the 1st Defendant's Co-operative business (**Herein attached is a copy of the Statement of Account that contained the money paid into the 1st Defendant's account and marked as Exhibit YZ 4 A & B.**)
2. That my personal payments totaling **N77,620,000 (Seventy-Seven Million, Six Hundred and Twenty Thousand Naira Only)** to the Defendants are as follows:
 - a. *On 28th June, 2018, I transferred the sum of N10,000,000 (Ten Million Naira) to the defendant from my Access Bank account No. 0097320901.*
 - b. *On same 28th June, 2021, I paid the 1st Defendant Account from my Access Bank Account the sum of N3,000,000 (Three Million Naira Only)*
 - c. *On 25th June, 2018, I raised a Cheque in favour of the Defendant and paid same in the sum of N15,000,000 (Fifteen Million Naira Only)*
 - d. *On 26th June, 2018, I transferred vide Mobile App transfer to the 1st Defendant, the sum of N1,000,000 (One Million Naira Only).*

- e. On that same 26th June, 2018, I transferred vide Diamond Mobile App to the 1st Defendant, the sum of N1,000,000 (One Million Naira Only).
- f. One 27th June, 2018, I transferred vide Diamond Mobile App to the 1st Defendant, the sum of N320,000 (Three Hundred and Twenty Thousand Naira Only).
- g. On that same 27th June, 2018, I transferred vide Diamond Mobile App to the 1st Defendant, the sum of N300,000 (Three Hundred Thousand Naira Only).
- h. On 27th June, 2018, I made a cheque deposit of the sum of N1,000,000 (One Million Naira to the 1st Defendant).
- i. On same 27th June, 2018, I made another deposit of the sum of N1,000,000 (One Million Naira) to the 1st Defendant.
- j. One 28th June, 2021, I made a Cheque Deposit in the sum of N19,000,000 (Nineteen Million Naira) in favour of the 1st Defendant.
- k. On 28th June, 2021, I made a Deposit in the sum of N10,000,000 (Ten Million Naira) in favour of the 1st Defendant.
- l. On same 28th June, 2021, I made a Deposit in the sum of N10,000,000 (Ten Million Naira) in favour of the 1st Defendant.
- m. On 29th June, 2018, I transferred vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004, the sum of N1,000,000 (One Million Naira Only).

- n. On 3/07/2018 I made a cheque deposit of the sum of N2,000,000 (Two Million Naira) to the 1st Defendant.**
- o. On 4/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant, GTBANK Account No: 0346460004 the sum of N1,000,000 (One Million Naira Only).**
- p. On same 4/07/2018, I transferred again vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004 the sum of N1,000,000 (One Million Naira Only).**
- q. On same 4/07/2018, I transferred yet again vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004, the sum of N1,000,000 (One Million Naira Only)**
- r. On 5/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004, the of N2,000,000 (Two Million Naira Only).**
- s. On 6/07/2018 I made a cheque deposit of the sum of N1,000,000 (One Million Naira) to the 1st Defendant GTBANK Account No: 0346460004.**
- t. On 10/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004 the sum of N1,000,000 (One Million Naira Only).**
- u. On 12/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004 the sum of N1,000,000 (One Million Naira Only).**
- v. On 14/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant, GTBANK Account No: 0346460004 the sum of N2,000,000 (Two Million Naira Only).**

- w. On 16/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004 the sum of N1,000,000 (One Million Naira Only).
- x. On 16/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004 the sum of N3,000,000 (Three Million Naira Only).
- y. On 17/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant GTBANK Account No: 0346460004 the sum of N1,000,000 (One Million Naira Only).
- z. On same 17/07/2018, I made payment again into the 1st Defendants GTBANK Account No: 0346460004 vide Diamond Mobile App the sum of N1,000,000 (One Million Naira Only).
- aa. On 18/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant, the sum of N2,000,000 (Two Million Naira Only)
- bb. On 19/7/2018, I made a cheque deposit of the sum of N2,000,000 (Two Million Naira) to the 1st Defendant.
- cc. On 20/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant, the sum of N2,000,000 (Two Million Naira Only).
- dd. On 20/07/2018, I transferred vide Diamond Mobile App to the 1st Defendant, the sum of N2,000,000 (Two Million Naira Only).
- ee. On 27th July, 2021, I transferred the sum of N2,000,000 (Two Million Naira) to the 1st Defendant.
3. That in addition to the above Mr. Ndim-Ejor Ndifon my client whom I had brought in to invest in the 1st Defendant, paid the

sum of Seventy-Two Million Seven Hundred Thousand Naira Only from his GTB Bank Plc account No. 0025588023 and Zenith Bank Plc Account No. 1000815155 on the respectively to the 1st Defendant's GTBANK Account No: 0346460004 (Herein attached are copies of the evidence of payment slips marked as Exhibit YZ 5). The payments were made as follows:

- a. On 27/06/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N1,200,000 (One Million, Two Hundred Thousand Naira) vide a GTB Online Transfer in favour of the 1st Defendant.***
- b. On 2/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N1,000,000 (One Million Naira) vide a Counter cheque in favour of the 1st Defendant.***
- c. On 3/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N200,000 (Two Hundred Thousand Naira) vide a GTB Online Transfer in favour of the 1st Defendant.***
- d. On 4/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N1,000,000 (One Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.***
- e. On 4/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N200,000 (Two Hundred Thousand Naira) vide a GTB Online Transfer in favour of the 1st Defendant.***
- f. On 5/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N5,000,000 (Five Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.***

- g. On 6/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N3,000,000 (Three Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- h. On 6/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N1,000,000 (One Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- i. On 10/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N200,000 (Two Hundred Thousand Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- j. On 11/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N3,000,000 (Three Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- k. On 11/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N18,000,000 (Eighteen Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- l. On 12/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N2,000,000 (Two Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- m. On 13/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N9,000,000 (Nine Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- n. On 14/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N2,000,000 (Two Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**

- o. On 16/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N1,000,000 (One Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- p. On 18/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N3,000,000 (Three Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- q. On 18/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N250,000 (Two Hundred and Fifty Thousand Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- r. On 19/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N4,550,000 (Four Million, Five Hundred and Fifty Thousand Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- s. On 20/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N2,000,000 (Two Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- t. On 21/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N2,000,000 (Two Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- u. On 24/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N4,000,000 (Four Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**
- v. On 27/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N4,000,000 (Four Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.**

w. On 28/07/2018, Mr. Ndim-Ejor Ndifon made payment of the sum of N1,000,000 (One Million Naira) vide a GTB Online Transfer in favour of the 1st Defendant.

4. That my Client Mr. Wonah Gabriel, whom I also represent in this Suit paid the sum of **N7,000,000 (Seven Million Naira Only)** from his First Bank Plc Account to the account of the 1st Defendant on 3rd July, 2018 **(Herein attached is a copy of the Deposit Teller marked Exhibit YZ 5).**
5. That Mr. Ushije Paschal Agida whom I also represent paid the sum of N5,000,000 (Five Million Naira Only) from his First Bank Plc account to the 1st Defendant on 6th July, 2021 **(Herein attached is copy of the bank teller marked as exhibit YZ 6.)**
6. That Miss Chimamanda I. Onuoha, another of my client whom I represent paid the sum of **N3,000,000 (Three Million Naira Only)** from her Zenith Plc Account to the 1st Defendant for investment on 3rd July, 2018 **(herein attached is a copy of the Electronic Teller and marked as Exhibit YZ 7.)**
7. That all the documents that I attached as exhibit are electronic generated therefore, I hereby attached a certificate of compliance to this effect. **(Herein attached is a copy of the certificate of compliance marked as exhibit YZ 8).**

I have already stated that the undefended list procedure is *sui generis*. Flowing from this, the sole duty of this Court at this stage is to determine whether the Defendant filed a Notice of Intention to defend and ought to be granted leave to defend or whether the suit ought to be heard as undefended and Judgment entered accordingly.

I have painstakingly read the two affidavits filed by the 1st and 2nd Claimants in this suit.

The law is equally settled that documentary evidence is the hanger upon which oral evidence can be screened and verified. See the decision of the Apex Court in the case of **OYEWUSI & ORS. v. OLAGBAMI & ORS. (2018) LPELR – 44906 (SC)** where Kekere-Eken JSC held thus:

“While it is true that a fact may be proved by oral or documentary evidence, it is equally trite that documentary evidence is the hanger upon which oral evidence is measured”

I have considered the entire circumstances of this case. My task now is simple. It is to check whether the Defendant who are aware that today is the hearing date of this matter having been served as far back as 30/11/2023 have filed Notice of Intention to defend. My swift search revealed that nothing of such has been filed. In the case of **BEN THOMAS HOTEL LTD VS. SEBI FURNITURE LTD (1989) 5 NWLR (PT. 123) 523**, it was held that when a matter under the undefended list comes up for hearing, the Court has only one duty. And that duty is to see if a Notice of Intention to defend with a counter-affidavit in support was filed by the defendant. If none was filed (as in this case), the Court must proceed to judgment.

In effect therefore, and relying on Order 35 Rule 4 of the Rules of this Court and the cases of **J.O.E CO. LTD VS. SKYE BANK PLC (2009) 6 NWLR (PT. 1138) 518** and **BEN THOMAS HOTEL LTD (supra)** I enter judgment for the Claimants as claimed.

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S. B. Belgore
(Judge) 15/1/2024