

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 4, MAITAMA ON THE

8TH DAY OF MAY, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE

SUIT NO. FCT/HC/CV/1303/2018

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

1. MR. MICHAEL AGADA } CLAIMANTS/APPLICANTS
2. MRS. SUZAN AGADA }

AND

1. DR. CHARLES AMAECHI
2. ABRAHAM COVENANT GLOBAL RESOURCES LTD
3. MODEM SINE LTD
4. INCORPORATED TRUSTEES OF GLOBAL
ESTATE RESIDENTS ASSOCIATION, WUMBA

} DEFENDANTS/
RESPONDENTS

RULING

By Order 25 (1) of the Rules of Court, a party may amend his Originating Process and Pleadings at any time before pre-trial conference and not more than twice during the trial but before the close of the case.

The purpose and purport of an amendment is to ensure that all matters in controversy are effectively, effectually and completely disposed of.

The law is indeed settled that an amendment of pleadings should be allowed at any stage of the proceedings unless it will entail injustice to the other side responding to the application or where the Applicant is acting *malafide* and or where the Respondent cannot be compensated by way of cost.

There is nothing in the 1st Respondent's Affidavit to suggest that he has been prejudiced or that the Applicant is acting *malafide* or that he cannot be compensated by cost.

In the circumstance of this case, the application succeeds.

1. Prayer 1 is granted but Prayer 3 is refused.

2. The Claimants shall file and serve the Amended Writ of Summons and Statement of Claim within seven (7) days from now.
3. The Defendants/Respondents shall file an Amended Statement of Defence, if necessary, within fourteen (14) days.
4. The Claimants may file a Reply to the Statement of Defence, if any, within seven (7) days.

HON. JUSTICE U. P. KEKEMEKE
(HON. JUDGE)
08/05/2023

Parties absent.

Philip Agi, Esq. for the Claimants/Applicants.

COURT: Ruling delivered.

Suit is adjourned to 25/09/2023 for Mention.

(Signed)
HON. JUDGE
08/05/2023