

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

ON THE 29TH DAY OF APRIL, 2024

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

SUIT NO. FCT/HC/CV/6258/2023

MOTION NO. M/5167/2024

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

MR. KUNDERA MUNKAILU MICHAEL ... APPLICANT/RESPONDENT

AND

1. ECONOMIC AND FINANCIAL

CRIMES COMMISSION

2. ABDULRASHEED BAWA

3. CALISTUS (I.O)

} **RESPONDENTS**

4. FIDELITY BANK PLC RESPONDENT/APPLICANT

RULING

I have read the Affidavit and Counter Affidavit of the 4th Respondent/Applicant and 1st – 3rd Respondents.

I have also considered the Written Addresses of Counsel. The substance of the 4th Respondent/Applicant is that the 4th Respondent had some internal problems which

militated against their entering appearance and filing the necessary papers until the case was heard and Judgment reserved.

The 4th Respondent's deposition is that the former Counsel was debriefed. The former Counsel filed this Motion and the Counter Affidavit.

There is no Notice or Application for Change of the said Counsel. The processes in this Court cannot by any imagination resemble the processes of the Court of Appeal.

The Originating process in this suit was served on the 4th Respondent on 19/06/2023. Hearing Notices were served on the 4th Respondent, particularly the last before the hearing of the substantive application. It was served on the 12/12/2023 at about 12.26 p.m. It was duly acknowledged by the 4th Respondent.

The 4th Respondent was given all the opportunities to ventilate its opposition but failed. Litigants and Counsel

ought to work within the precincts and procedure of the Court.

The Courts are guarded by law and procedure. The Court does not work at the convenience and caprices of litigants and Counsel.

The case is for Judgment, no law makes a litigant or Counsel a Police Officer cloth with the power to arrest a Judgment set to be delivered.

I have also read the Counter Affidavit sought to be relied upon. It does not change the position of the Court in respect of the substantive case.

In the circumstance, the application lacks merit and it is dismissed.

HON. JUSTICE U. P. KEMEKE, ACIArb (UK), FICMC
(HON. JUDGE)
29/04/2024

Applicant present.

Respondents absent.

Dr. O. U. Orji with M. R. Tseen, Esq. for the Applicant.

C. Obasi-Oko, Esq. for the 1st – 3rd Respondents.

Uche Ebeh, Esq. for the 4th Respondent.

COURT: Ruling delivered.

(Signed)
HON. JUDGE
29/04/2024