

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT COURT NO. 4, MAITAMA

ON THE 18TH DAY OF DECEMBER, 2023

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

SUIT NO. FCT/HC/CV/816/2022

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

THE INCORPORATED TRUSTEES OF

NIGERIAN BAR ASSOCIATION CLAIMANT

AND

DAME PAULINE TALLEN, OFR, KSG DEFENDANT

R U L I N G

I have read the Defendant/Applicant's Motion and Affidavit

and the Addresses of Counsel.

The Defendant prays the Court to strike out the Further Affidavit in reply to Defendant's Counter Affidavit in opposition to the Originating Process.

On the 12/12/2023 when this matter came up for hearing both parties said they were ready to go on.

The Originating Summons was taken. The Defendant suddenly complained that he was just seeing the reply Affidavit.

The Court gave him 48 hours within which to file and serve any additional process he wishes to file before the date of Judgment.

The Court was not served with any, neither was the Claimant's Counsel until this morning. Instead of filing the process as ordered by Court, he brought this Motion instead seeking to strike out the Further Affidavit.

The first ground upon which the application is brought is that a new case has been created by the Further Affidavit.

I have taken a cursory look at the Affidavit filed in support of the application.

The complaint of the Claimant is the utterance and or statement of the Defendant made on the 15/10/2022

published and circulated widely on both social and print media.

That the Further Affidavit seeks to establish that the Defendant made the statement in various channels including in the NAN's Ministerial Briefing. No new case was created by the Further Affidavit and I so hold.

In respect of issue of the Defendant not having a right to file a further process in reaction to Claimant's reply, the Court granted the Defendant the indulgence, which he deliberately failed to utilise.

He filed a Motion, kept it till this morning. It is in my view, a ploy to ambush the Court from delivering its Judgment slated for today.

He was granted the opportunity but he failed to utilize same.

The Defendant in my view will not be prejudiced. The Motion fails and it is dismissed.

HON. JUSTICE U. P. KEKEMEKE
(HON. JUDGE)
18/12/2023

Claimant represented by Jerusa Nimfel (Legal Officer).

Defendant absent.

Anne Agi, Esq. for the Claimant.

Chidera Mgbe, Esq. for the Defendant.

COURT: Ruling delivered.

(Signed)

HON. JUDGE

18/12/2023