

**THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION**

HOLDEN AT HIGH COURT MAITAMA –ABUJA

BEFORE: HIS LORDSHIP HON. JUSTICE S.U. BATURE

COURT CLERKS: JAMILA OMEKE & ORS

COURT NUMBER: HIGH COURT NO. 24

CASE NUMBER: SUIT NO. FCT/HC/CV/2023/2021

DATE: 6th APRIL, 2023

BETWEEN:

ABUBAKAR RABI'UAPPLICANT

AND

1. FIRST BANK PLC

2. INSPECTOR GENERAL OF POLICE.....DEFENDANTS

APPEARANCE:

H. O. Akintola Esq for the 1st Defendant.

RULING

During the course of these proceedings and on the date slated for adoption of final written address, learned Counsel to the 1st Defendant H. O. Akintola informed the Court that the Plaintiff has filed a notice of discontinuance of this suit. Counsel urged the Court to make an order of dismissal and relied on the case of **BABATUNDE V PAN ATLANTIC SHIPPING AND TRANSPORT AGENCY LTD (2007) 13 NWLR (PT. 1050) PAGE 113, Ratios 9 AND 10 Thereof.**

Indeed the Plaintiff has filed a notice of discontinuance of this suit dated 10th day of March, 2023 filed same date on the ground that an amicable settlement has been entered with the Defendants in this suit.

I have considered the authority cited by Mr Akintola Esq Counsel to the 1st Defendant on what the Court should consider before granting leave for discontinuance.

The Court has to consider among other things the stage the Application for discontinuance of an action is made.

It is well settled now that where such an Application is made before a hearing dated has been fixed, the proper order to make is one of striking out.

However, having perused and observed the decision cited earlier, and also considering the fact that parties had joined issues, the suit was contested, both parties had their respective cases heard and the case was adjourned for adoption of final written addresses when Plaintiff brought his Application for discontinuance of the suit. It is my considered view, that at this stage the proper order to make judicially and judiciously is one of dismissal of the suit. I so hold.

Consequently, this suit with No. CV/2023/2021 be and is hereby dismissed.

Signed:

***Hon. Justice S. U. Bature
6/4/2023.***