

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ZUBA, ABUJA

ON FRIDAY, THE 24TH DAY OF MARCH, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA

JUDGE

SUIT NO.: FCT/HC/CV/274/20

BETWEEN:

BOLDBLOCKCONSTRUCTIONLIMITED -----} **CLAIMANT**

AND

1 PETEROROBO
2 PERSON UNKNOWN ---} **DEFENDANTS**

COURT RULING

Five Hundred
Million Naira (N500, 000,000.00)

-
- i. The Originating Process served on the 1st Defendant is incompetent having not complied with Order 25 Rule 6 of the Rules of Court as it relates to amendment of Processes.**
 - ii. The Originating Process served on the 1st Defendant is incompetent having failed to comply with the Rules of Practice requiring frontloading of the documents to be relied upon.**
 - iii. There is nothing before this Court linking the Claimant with Plot MF 2077 Sabon Lugbe East Extension Layout, Abuja; the subject matter of the purported Suit.**
 - iv. The Claimant has not put anything before this Court to show that it has a reasonable cause of action against the 1st Defendant.**
 - v. The Claimant had hitherto claimed to be Boldblock Construction Company Limited laying claim to the same Plot MF 2077 Sabon Lugbe East Extension Layout, Abuja with File No MFCT/ZA/AMAC/SLE MF 2077.**
 - vi. Boldblock Construction Company Limited was not a juristic person as at 22nd September, 2020 when the Claimant's Suit was filed by Wilson Ivara, Egang Agahi and Victor Awa all of Counsel.**

vii. The 1st Defendant was not served with any application seeking to amend the Claimant's Writ of Summons filed on the 2nd September, 2020.

- (1) Whether this Court has jurisdiction to hear and determine this case as constituted.**
- (2) Whether an incompetent/ defective Process can be cured by an Amendment.**

On Issue No. 1

**Sken Konsult V. Ukey
(1981) 1 SC 6**

**Cotecna International Nigeria Limited V. IMB Limited
(2006) 9 NWLR (PT. 985)**

Madukolu V. Nkemdilim
(1962) 1 All NLR (PT. 4) 587

On Issue No 2

UAC V. Mcfoy
(1961) 3 All ELR 1169

Oyewole V. Adedeji
(2014) LPELR – 22554

SUBEB of Oyo State & Anor V. Morenikeji
(2015) LPELR – 41671

Dorothy Mato V. Herman Hembe & Ors
(2017) LPELR 45 – 46

“Whether the Applicant has disclosed sufficient legal reason to strike out this Suit.”

**NGB V. Integrated Gas
(2005) 2 SCM 67 @ 205**

**Dabo V. Abdullahi
(2005) 4 SCM 69**

**Yusuf V. Adegoke
(2007) All FWR (PT. 385)**

On Issue No 2

**CCB Nigeria PLC V. A-G Anambra & Ors
(1992) 8 NWLR (PT. 261) 528**

**Dike V. Okorie
(1990) 5 NWLR (PT. 151) 418**

115(2) of the Evidence Act.

**Hon. Dino Melaye V. Yusuf A. Tajudeen & 4 Ors
(2012) 15 NWLR (PT. 1323) 315 @ 337**

paragraphs 3 – 8 & 10

COURT

Order 25

Rule 6 of the High Court Rules

**“Amended ____ day of ____ Pursuant to Order of...
(Judge) dated ____ day of ____.”**

Order 25

Rule 6 of the High Court Rules

**That Order 25 Rule 7
of the High Court Rules**

Order 25 Rule 8 of the High Court Rules

This is the humble Ruling of this Court.

**Delivered today the ____ day of _____ 2021 by
me.**

KN OGBONNAYA

HON. JUDGE