

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT COURT NO. 4, MAITAMA ON THE**  
**1<sup>ST</sup> DAY OF DECEMBER, 2022**

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

**SUIT NO. FCT/HC/NY/CV/01/2021**

**COURT CLERKS:** *JOSEPH ISHAKU BALAMI & ORS.*

**BETWEEN:**

**BENPIMORE ENGINEERING & DEV. CO. LTD ... CLAIMANT**

**AND**

**1. AMARACHI CHYNA IWUANYANWU } ..... DEFENDANTS**  
**2. SUNGOLD ESTATE LIMITED }**

**JUDGMENT**

The Claimant's application for Summary Judgment is dated 26/01/2021. It prays the Court for:

- (1) An Order entering Summary Judgment for the Claimant in accordance with her Writ of Summons and Statement of Claim.

(2) And for such Order or further Orders as the Court may deem fit to make in the circumstances.

The Motion for Summary Judgment and some attached processes were served on the Defendants by substituted means on the 19<sup>th</sup> day of October 2022, which includes the Writ of Summons, Statement of Claim, Witness Statement on Oath and a Written Brief.

The Claimant deposed that through a letter dated 25/05/2018 and signed by 2<sup>nd</sup> Defendant, the Claimant was engaged in a mass housing project at Blue Sky Estate, Karasana.

The Claimant was offered to construct 4 units of houses consisting of 2 Terrace Duplexes and 2 Blocks of 3-Bedroom Flats at Blue Sky Estate.

The Defendants handed the approved Bill of Quantity to determine the milestone and stages of work to be done. That the Claimant should source for the fund for take-off of the project.

That all payment will be effected on milestone and level of work completed. That Claimant shall submit letter of milestone completion to the Defendants for inspection/satisfaction within 14 days after which payment shall be processed and effected.

In line with the above, by a letter dated 22/10/2018, a Letter of Milestone Completion on 3-Bedroom Terrace Duplex in Karasana was forwarded to the Defendants including pictures.

That Defendants inspected the work done and being satisfied with the standard, gave the Claimant a Certificate of Work Completion dated 7/12/2018 which is exhibited.

The Defendants failed, refused and neglected to pay after several demands. The Defendants in a letter, Exhibit E dated 7/12/2018 undertook to settle all financial obligations on or before 20<sup>th</sup> December 2018.

The Claimant's Counsel wrote a Letter of Demand for the money owed without response. The Claimant has not been

paid and has been exposed to a huge economic loss. That the Defence has no credible defence to this action.

The processes were served. The Defendants failed to enter appearance or file a defence.

Pursuant to Order 11 Rule 5 of the Rules of Court, Judgment is entered in favour of the Claimant against the Defendant as follows:

1. The Defendants shall pay to the Claimant the sum of ₦18,251,281 (Eighteen Million, Two Hundred and Fifty-One Thousand, Two Hundred and Eighty-One Naira) only for the completion of the milestone in respect of the construction of a unit of 3-Bedroom Terrace Duplex at Blue Sky Estate, Karasana, Abuja.

2. ~~N~~2,737,692 (Two Million, Seven Hundred and Thirty-Seven Thousand, Six Hundred and Ninety-Two Naira) only being 1% interest on default of payment for 15 months.

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**HON. JUSTICE U. P. KEKEMEKE**  
(HON. JUDGE)  
01/12/2022

Parties absent.

J. S. Adeyanju, Esq. for the Claimant.

**COURT:** Judgment delivered.

(Signed)

**HON. JUDGE**

01/12/2022