

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON THURSDAY THE 7TH DAY OF APRIL, 2022

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

JUDGE

SUIT NO.: FCT/HC/M /6785/2021

BETWEEN:

IKENNA DANIEL ANUMBA

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PLAINTIFF

AND

1. HIS WORSHIP, R.J. EGBE, ESQ

2. UCHENNA ANTHONIA ANUMBA

3. COMMISSIONER OF POLICE

FEDERAL CAPITAL TERRITORY, ABUJA

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DEFENDANTS

COURT RULING:

It is the right of a party, Plaintiff/Applicant that came to Court to also apply to withdraw a case against the Defendant.

Today, the Plaintiff had filed before this Court a Motion to withdraw the case which is their right anyway. The 2nd Defendant had filed a Motion challenging same saying that the Plaintiff did not seek leave of the Court to file the Notice to Discontinuance the Suit. Again, that 2nd Defendant had incurred cost and as such they want cost of One Million Naira (₦1, 000,000.00). They also want the Court to dismiss the Suit instead.

It is imperative to state that the application is to discontinue the Suit. In that case, **the Court can only strike out not dismiss same** as sought by the 2nd Defendant Counsel.

Cost follows event. In this case, it is very obvious that the Defendants have filed Processes. They have expended money to do so too. But the money expended and all the ___ expenses are not up to One Million Naira (₦1, 000,000.00) as sought.

Cost of Ten Thousand is awarded against the Plaintiff Counsel. Cost to be paid to the 2nd Defendant/Defendant Counsel.

Matter is hereby STRUCK OUT not DISMISSED.

This is the Ruling of this Court.

Delivered today the ___ day of _____ 2021 by me.

K.N. OGBONNAYA
HON. JUDGE