

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

DATED THIS 3RD FRIDAY MARCH, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CV/3103/2022

BETWEEN:

DR OMOTOLA BAMIDELE DAVIS-----CLAIMANT

AND

- 1. FEDERAL CAPITAL TERRITORY
ADMINISTRATION**
- 2. HONOURABLE MINISTER FEDERAL
CAPITAL TERRITORY**
- 3. MARIA UGOCHUKWU-----DEFENDANTS**

JUDGMENT

This matter was assigned to this court by the Hon. Chief Judge dated the 13-10-2022, and received by the Registrar of court 49 dated the 20-10-2022.

The claimant by writ of summons with suit No: CV/3103/2022 dated the 20-9-2022 and filed dated the same date claims the following reliefs from the defendants.

- 1. A DECLARATION that by the letter of Offer dated 22nd May, 2007 issued by the 1st and 2nd defendants, the claimant is the rightful owner of the property situate and being described as 2-bedroom apartment at Block 3 Flat 22 Lapai Street Area 1 Garki Abuja**

Federal Capital Territory having complied with the advertisement published via a Guardian Newspaper on the 27th day of March, 2007 for the sale of the Federal Government House procedures by the 1st and 2nd Defendants and also having successfully made a full and final payment to the 1st and 2nd Defendants in the sum of N4,375,000.00 (Four Million Three Hundred and Seventy Five Thousand Naira Only) for the purchase of the property aforesaid.

- 2. AN ORDER OF COURT directing the 1st and 2nd Defendants to grant the Claimant immediate possession of the property described as Two Bedroom Flat situate and being at Block 3 Flat 22 Lapai Street Area 1 Garki Abuja having complied with the advertisement published via a Guardian Newspaper on the 27th day of March, 2007 for the sale of the Federal Government House procedures by the 1st and 2nd Defendants and also having successfully made a full and final payment to the 1st and 2nd Defendants in the sum of N4,375,000.00 (Four Million Three Hundred and Seventy Five Thousand Naira Only) for the purchase of the property aforesaid.**
- 3. AN ORDER OF COURT directing the 1st and 2nd Defendant to issue Certification of Occupation in the name of the Claimant in respect of the property described as Two Bedroom Flat situate and being at Block 3 Flat 22 Lapai Street Area 1 Garki Abuja.**
- 4. AN ORDER OF COURT for perpetual injunction restraining the 1st and 2nd Defendants from assigning or transferring title or any title whatsoever to any other person apart from the claimant the property situates and being described as 2 Bedroom apartment at Block 3 Flat 22 Lapai Street Area 1 Garki Abuja Federal Capital Territory.**
- 5. AN ORDER OF COURT directing the defendants to severally or individually pay Claimant the sum N20,000,000 (TWENTY MILLION NAIRA ONLY) as General and Aggravated Damages.**
- 6. AN ORDER OF COURT directing the Defendants to severally or individually pay the claimant the sum of N2,500,000 (TWO MILLION FIVE HUNDRED THOUSAND NAIRA ONLY) as cost of this suit.**

The claimant counsel on the 1-11-2023 file a motion exparte for an order of

substituted service, the said motion was moved on the 2-11-2023 and the order of substituted service was granted and the enrolment order signed and the matter adjourned to the 30-11-2023. For hearing.

On the 30-11-2023 one G. B. Ogunmola appeared for the claimant where he told the court that the order of substituted service has been complied with on the 25-11-2022 hence the suit was adjourned to 30-1-2023 for hearing, on the 30-1-2023 same appearance was made for the claimant counsel while one Mohammed Garba Lawal appeared for the defendants i.e. the 1st and 2nd defendants. Whereof he moved a motion for extension of time to enter appearance. The said motion was granted. At the same time, he informed the court they have an agreement to settle with the claimant.

These the claimant counsel did not oppose same and the suit was adjourned to the 2-3-2023 for adoption of terms of settlement in accordance to the rules of this court i.e order 26 of the High Court of the Federal Capital civil procedure Rules 2018 which provides thus:

“when a matter comes before the court for the first time, the judge shall in circumstance where it is appropriate, grant to the parties, time not more than 30 days within which parties may explore possibilities for settlement of the disputes”

Based on the above provision of the law and the application of both parties this matter was adjourned to the 2-3-2023 for adoption of terms of settlement.

The terms of settlement dated the 20-2-2023 was filed before the court on the 24-02-2023 and on the 1-03-2023 the said terms of settlement was adopted and the counsel prayed the court to adopt it as the consent Judgement in this suit.

Before I proceed to adopt same I wish to explain what a consent Judgement meant:

“A consent judgement is agreed Judgement without the necessity of calling witness in civil cases. It has the quality of finality and speedy dispensation of Justice”

The effect therefore, is merely a contract acknowledged in open court which binds the parties as final as any other Judgement.

A consent Judgment is a decision reached by a court upon the agreement of all parties involved in a suit. In civil suits the parties can work out an agreement and have it finalized with this judgement to end litigation. The court decision is final and put the issue to rest, ensuring that it cannot be contested or litigated in

the future.

However, the court does not merely, rubber stamp” the consent judgement. it must first consider whether it should make the orders that the parties have consented to.

In view of the above, I shall adopt the said terms of settlement as the consent Judgment of this court.

The parties now therefore mutually agree as follows:

- a. That the plaintiff, OmotolaBamidele Davis shall forthwith be granted possession of Block 3, flat 22, Lapai StreetGarki Abuja being the first allottee to the Apartment and having compliance with the requirement of the guidelines.**
- b. That the plaintiff, shall waive all other monetary claims being sought in the suit against the defendants.**
- c. That the AD-HOC committee on sale of Federal Government of Nigeria House shall refund to/reimburse the Mariah Ogochukwu Okafor the sum of N2,091,000.00 received from her on account of the apartment.**

That the above terms shall be the final judgement of the court in this suit and shall be binding on all the parties and their privies

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This is the Judgment of this court.

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HON. JUSTICE A.Y. SHAFI

APPEARANCE:

- 1. G. B. OGUNMOLA for the Claimant

