

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

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ZUBA, ABUJA

ON TUESDAY THE 7TH DAY OF MAY, 2024

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

SUIT NO.: FCT/HC/CV/1342/2020

BETWEEN:

LAZARUS NWALOZIE ONYELERI ----- CLAIMANT

AND

FEDERAL MORTGAGE BANK OF NIGERIA --- DEFENDANT

RULING

This Court is in receipt of the Notice of Discontinuance of this Suit written on the 30th day of April, 2024 and filed on the same date.

It is imperative to state that this matter was transferred from the Court of A.A.I. Banjoko who is now at the Court of Appeal to this Court sometime in 2022.

On the 5th day of May, 2022 two years and 2 days ago the matter was mentioned and listed for Hearing. But all the parties and Counsel were absent. The Court adjourned the case for November 2022. They did not come to Court. There

were 2 other adjournments in 2023. All to no avail as parties did not come to Court. The Court refers to the Hearing Notices.

As it stands the Court has never seen the Counsel for the Claimant who signed the Notice of Discontinuance. His name is Sunday Adaji Esq. He had stated in the letter (Notice of Discontinuance) that the Claimant, Lazarus Nwalozie is late as the Defendant Counsel has confirmed this morning. He said that he was informed about the death of the Claimant by the Claimant's wife and that since that time he has not been able to meet with the widow of the Claimant as all effort to do so proved abortive. He applied that the Court strike out the Suit.

Based on that application, this Court hereby Strikes Out this Suit today the 7th day of May, 2024.

This is the Ruling of this Court.

Delivered today the ___ day of _____ 2024 by me.

K.N. OGBONNAYA
HON. JUDGE

APPEARANCE:

CLAIMANT COUNSEL: NOT REPRESENTED BY ANY COUNSEL.

DEFENDANT COUNSEL: SUNDAY ADEAGBO ESQ.