

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT GWAGWALADA- ABUJA**

**DATED THIS THURSDAY THE 11<sup>TH</sup> DAY OF JULY, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI**

**SUIT NO: FCT/HC/CV/145/2022**

**BETWEEN:**

**MSHEL CAPITECH LIMITED.....CLAIMANT/APPLICANT  
AND**

- 1. MR. SUNDAY SIMON JUNIOR**
- 2. ABOKI THEOPHOLUS FRIDAY..DEFENDANTS/RESPONDENTS**

**JUDGEMENT**

This matter was filed dated the 5<sup>th</sup> May, 2022 with suit No. CV/1451/22 by a writ of summons dated the 5-04-2022, the claimant claim against the defendant the following reliefs:

- 1. A declaration that the claimant is the beneficial owner of Plot No. E5F located at Mangu Close Phase 4 Kubwa extension FCT Abuja within the AMAC (FCT) measuring about 900 m2.**
- 2. An order of this Hon. Court restraining the defendant from taking any step to transfer Plot No. ESF located at Mangu Close Phase 4 Kubwa Extension FCT Abuja within the (AMAC) FCT to anyone else whatsoever.**
- 3. An order foreclosing the defendant rights of redemption in this transaction.**
- 4. An order conferring on the claimant the power to sell the property under court supervision.**
- 5. An order of this Hon. Court restraining the defendants from doing anything or taking any steps which is inconsistent with the claimant title**

**Plot No. E5F located at Mangu Close Phase 4 Kubwa extension, FCT Abuja within the (AMAC)FCT**

- 6. An order of this Hon. Court restraining the defendant and their agents, assigns and privies from further trespassing on any portion of the land comprising Plot No E5F located at Mangu Close Phase 4 Kubwa extension FCT Abuja within the (AMAC) FCT.**
- 7. The sum of N37, 200,000.00 (Thirty Seven Million and Two Hundred Naira only) as specific damages against the defendant.**
- 8. The sum of N50, 000,000.00 (Fifty Million Naira only) representing general damages.**
- 9. The sum of N2, 000,000.00 (Two Million Naira only) representing solicitor fees.**

This matter was partly heard by Hon Justice M.B. Idris, and on the last date of the hearing being 09/11/2023 the Hon. Justice adjourned this matter for either ruling and continuation of hearing or report of settlement and the matter adjourned to 19/12/2023.

Upon the return of the Hon. Justice M. B. Idris (Rtd) the matter was transferred to this court, the order of transfer dated the 20<sup>th</sup> day of March, 2024.

Today being 11-06-2024 one J. K. Kolawale appeared for the claimant and one F.D. Esume appeared for the defendant.

The learned claimant counsel, informed the court that parties have settled and the terms of settlement dated the 5<sup>th</sup> Day of May 2022 be adopted as the consent Judgment of this court. The defendant also concurred and urged the court to adopt same as the consent judgement of this court.

Before I proceed to adopt the terms filed as the consent Judgement of this court I wish to state that by virtue of order 26 of the FCT High Court rules 2028 it allows parties to settle their matter out of court. It proceed thus:

**“when a matter comes before the court for the first time the judge shall in circumstances 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.**

In view of the foregoing provision, parties having filed their terms of settlement adopted same and urged the court to adopt same as the consent judgment of this court.

On this I wish to state that a consent Judgement is equally as binding as a Judgement given as estoppel as to the matter decided by it and can be enforced by means of all the execution processes provided for enforcement of judgement fee Samba Petroleum Ltd V F. C. M. B (2014) 3 NWLR (part 1394) 346

Based on the foregoing I shall adopt the terms of settlement dated the 5<sup>th</sup> day of May, 2022 as the consent Judgement of this court and order as follows:

- 1. That the defendant I shall pay the sum of Forty Million Naira (N40,000,000.00 as full and final settlement of the matter.**
- 2. That the defendant will pay the said sum of Forty Million Naira (N40,000,000.00) instalment as follows:**
  - a. The sum of Twenty Million Naira(N20, 000,000.00) on or before the 31<sup>st</sup> day of January, 2024.**
  - b. That the balance of Twenty Million Naira) N20, 000,000.00 on or before the 31<sup>st</sup> day of March, 2024.**
  - c. That upon payment of the aforesaid entire sum of money the claimant shall immediately return all the title documents of the property and all executed document to the defendant.**
  - d. That failure of the defendant to pay as agreed herein shall counter on the claimant's title to the disputed property herein**
  - e. That thisterms of settlement shall be entered as consent judgement of the court binding all the parities herein.**

The terms as sated herein have been complied with before the adoption as the consent judgement.

This is my Judgement.

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**Hon. Justice A. Y. Shafa**

**APPEARANCE:**

1. J. K. kolawale for the claimant
2. F. D. Esuma for the defendant