

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON THIS 12TH DAY OF MARCH, 2025
BEFORE HIS LORDSHIP HON. JUSTICE J.O ONWUEGBUZIE
SUIT NO: FCT/HC/CV/924/2024

BETWEEN:

1. HALIMA SAMUEL (Suing through her Lawful Attorney Mr. Martin Anagboso).
2. MR. MARTIN ANAGBOSO

}CLAIMANTS

AND

1. MADAM FELICIA SANI
2. A.K MARK INTERNATIONAL LIMITED
3. EKRIKPONG I. UKPANA (for himself and on behalf of parks and Recreation Department, Federal Capital Territory Administration (FCTA))
4. FEDERAL CAPITAL DEVELOPMENT AUTHORITY
5. THE DIRECTOR, DEVELOPMENT CONTROL DEPARTMENT, FEDERAL CAPITAL DEVELOPMENT AUTHORITY.

} DEFENDANTS

JUDGMENT

By an Amended Originating Summons dated the 12th day of September, 2024 and filed on the 13th day of September, 2024, the Claimants seek by this Honourable Court the determination of the following questions and claim the reliefs set out hereunder:

QUESTIONS FOR DETERMINATION

1. Whether in view of the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors., are the Claimants not entitled to possession, use and enjoyment of the property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5671r-3b42u-10 dated 2nd day of September, 2013.
2. Whether the 3rd, 4th and 5th Defendants or their agents, servants or agencies under them have a right to let or grant permission to the 1st and 2nd Defendants for the use of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 after Judgment has been delivered in favour of the Claimants in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.
3. Whether the 1st and 2nd Defendants have a right to occupy and/or remain in possession of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 despite the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.
4. Whether it is not right to order the 3rd, 4th and 5th Defendants who put the 1st and 2nd Defendants into possession of the Claimants property known as Plot

1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 to remove the said 1st and 2nd Defendants from the Claimants' said property at the expense of the said 3rd, 4th and 5th Defendants.

AND upon the determination of the above questions, the Claimants claim against the Defendants jointly and/or severally the following reliefs:

- i. A DECLARATION that in view of the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors., the Claimants are entitled to possession, use and enjoyment of the property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013.
- ii. A DECLARATION that the 3rd, 4th and 5th Defendants or their agents, servants or agencies under them have no right to let or grant permission to the 1st and 2nd Defendants for the use of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 after Judgment has been delivered in favour of the Claimants in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.
- iii. A DECLARATION that the 1st and 2nd Defendants have no right to occupy and/or remain in possession of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated:

- 2nd day of September, 2013 after Judgment has been delivered in favour of the Claimant in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.
- iv. AN ORDER OF THIS HONOURABLE COURT directing the 3rd , 4th , and 5th Defendants to remove the 1st and 2nd Defendants from the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated: 2nd day of September, 2013 at the expense of the 3rd , 4th , and 5th Defendants.
 - v. AN ORDER OF THIS HONOURABLE COURT directing the Defendants to deliver up possession to the Claimants forthwith.
 - vi. AN ORDER directing the Defendants jointly and severally to pay the sum of N200,000,000.00 (Two Hundred Million Naira Only as general damages to the Claimants.
 - vii. AND FOR SUCH FURTHER ORDER OR OTHER ORDERS as the Honourable Court may deem fit to make in the circumstances of this case.

The Origination Summons is supported by a 31 paragraph Affidavit deposed to by the 2nd Claimant himself. Attached with the affidavit in support is 'Exhibit A – Exhibit I' respectively. In compliance with the Rules of the Court, the Claimant filed a written address as their legal submission in support of their case.

The Originating process of this Court was served on the 1st to 5th Defendants on the 17th day of October, 2024. The 1st and 2nd Defendant entered appearance through their Counsel Oluchi Vivian Uche Esq., with Anthony Anene Esq. while Nabila Suleiman Esq., represented the 3rd , 4th and 5th Defendants.

When the matter came up for hearing on the 12th day of December, 2024, after several adjournment to enable the Defendants file response to the said Originating

Summons, but they elected not to. The Claimants' Counsel Maxwell Ezumezu Esq., was present in Court, Amuda-Kannike Esq., represented the 1st and 2nd Defendants in court and Umar Abdulkadir Esq., with Nabila Suleiman Esq., announced appearance for the 3rd to 5th Defendants.

The Claimants' Counsel informed the Court that the matter was for hearing that on the Claimants part they are ready to go on. The 1st and 2nd Defendants' Counsel as well as the 3rd to 5th Defendants' Counsel informed the Court that they have no objection to the hearing of the suit.

The Claimants' Counsel adopted their originating processes and submitted that the Claimant formulated 4 issues for the determination of the court which upon resolution, they shall be seeking the reliefs therein and urged the Court to resolve the issues in their favour and grant their reliefs as contained in their Originating Summons.

Amuda-Kanike Esq., Counsel to the 1st and 2nd Defendants responded that on the part of the 1st and 2nd Defendants they did not file anything, and that the 1st and 2nd Defendants are not objecting to anything in the case.

Abdukadir Counsel representing the 3rd to 5th Defendants submitted that same on their part they did not file anything in opposition, but relied on Exhibit I attached on the affidavit in support of the Originating Summons.

The case was thereafter adjourned to today for judgment.

THE CLAIMANTS' CASE

1. That I am the 2nd Claimant in this Suit.
2. I have the consent and authority of the 1st Claimant to depose to this affidavit.
3. That 1st Claimant is a Nigerian citizen and the holder of the right of occupancy over plot 1673, Cadastral Zone B05, Utako District, Abuja the subject matter of this suit.
4. The 2nd Claimant is a Nigerian citizen and the lawful attorney of the 1st Claimant duly appointed to take charge of all matters pertaining to and or touching the 1st Claimant's land Plot 1673, Cadastral Zone B05, Utako District, Abuja.

5. The said Power of Attorney was duly registered by Abuja Geographic Information System (AGIS) in the Lands Instruments Register as No. FC81 at page 81, Vol. 76PA of the Lands Instruments Register on 22/11/2016. The said Power of Attorney is hereby exhibited and marked as Exhibit "A".
6. The 1st Defendant is a managing Director in the 2nd Defendant. The 1st and 2nd Defendants are land grabbers who are unlawfully occupying the Claimants' land.
7. The 3rd Defendant is the Director of Federal Capital Territory Administration (FCTA), Parks and Recreation Department.
8. The 4th Defendant is the agency which oversees the development of the Federal Capital Territory and has supervisory authority over the functions and activities of the 5th Defendant.
9. The 5th Defendant is a statutory office with perpetual succession and the agency of the 4th Defendant charged with the functions inter alia of vetting and approving proposed building plans for all lands in the FCT.
10. That sometime in 2013 the 1st Claimant was allotted Plot 1673, Cadastral Zone B05, Utako District, Abuja by the Minister of Federal Capital Territory, after which she was issued a Statutory Right of Occupancy dated 4th day of April, 2013. The said Statutory Right of Occupancy is hereby exhibited and marked as Exhibit "B".
11. Consequent upon the full settlement of financial obligations by the 1st Claimant, the Minister of Federal Capital Territory acting through the agency of AGIS produced and issued to the 1st Claimant the Site Plan dated 19th April, 2013. The 1st Claimant was thereafter issued a Certificate of Occupancy No. 67duw-1260-5671r-3b42u-10 dated 2nd September, 2013 and registered as No. 54873. At page 1 in volume 275 of the Certificate of Occupancy Register. The Site Plan and Certificate of Occupancy are hereby exhibited and marked as EXHIBIT "C" and "D".
12. That I know that the 1st Claimant was enjoying the use of her land that was granted to her and was erecting structures on the said land.
13. That sometime in 2018, the said Statutory Right of Occupancy of the 1st Claimant was purportedly revoked albeit wrongly.
14. That we instituted a Suit at the High Court of the Federal Capital Territory, Abuja in Suit No: FCT/HC/CV/070/2018: Halima Samuel (Suing through her lawful attorney, Mr. Martin Anagboso) & Anor. v. Minister of Federal

Capital Territory & 2Ors. challenging the unlawful revocation of the 1st Claimant's Right of Occupancy.

15. Judgment was delivered in our favour in the above mentioned Suit. The said Judgment is hereby exhibited and Marked as Exhibit "E".

16. In the Judgment of the aforesaid Suit No. FCT/HC/CV/070/2018, the trial Judge granted the reliefs sought by us and held inter alia as follows:

- i. A declaration that by virtue of the right of occupancy granted to the 1st claimant by the 1st Defendant, the 1st Claimant is the beneficial owner and holder of the right, interest and the title in and over plot 1673, Cadastral Zone B05, Utako District, Abuja.
- ii. An Order of perpetual injunction restraining the defendants from revoking or, in any other way, manner or guise, tempering with the right of occupancy granted to the 1st Claimant whether by way of diminution of the plot size, or re-designation of the land use and or purpose or howsoever.

17. I know that the said Judgment (Exhibit "C") is still valid and subsisting and was not appealed against.

18. While the above mentioned Suit was pending in Court, the 1st and 2nd Defendants made an application to the 3rd Defendant seeking for an approval to set up an open market for Fruit Grocery in the 1st Claimant's land. The said application is hereby exhibited and Marked as Exhibit "F".

19. After Judgment was delivered in our favour in the Suit mentioned in paragraph 13 above, the 3rd - 4th Defendants granted a provisional permit to the 1st and 2nd Defendants to build Fruit Grocery despite Exhibit "E". The said provisional permit granted to the 1st and 2nd Defendants is hereby exhibited and marked as Exhibit "G".

20. We instructed the law firm of Arthur Obi Okafor, SAN & Associates to write a letter to the 3rd Defendant requesting the 3rd Defendant to vacate the 1st Defendant from the 1st Claimant's land. A copy of the said letter is hereby exhibited and marked as Exhibit "H".

21. I know that the 3rd Defendant wrote a letter to the 1st Defendant withdrawing the provisional permit issued to the 1st Defendant to build Fruit Grocery. The said letter is hereby exhibited and marked as Exhibit "I".

22. That despite the said withdrawal of the permit vide Exhibit "I", the 1st and 2nd Defendants have neglected and/or refused to vacate the 1st Claimant's land.

23. That all effort by us to evict the 1st and 2nd Defendants from the 1st Claimant's land has proved abortive.

24. The effort put by us to evict the 1st and 2nd Defendants from our land has caused us serious financial stress, financial loss and psychological trauma.

25. That the occupation of the land by the 1st and 2nd Defendants has also caused us not to reap and enjoy the fruit of our Judgment.

26. That except this Honourable court intervenes, the 1st and 2nd Defendants will continue to wrest and occupy the 1st Claimant's land at the instance of the 3rd – 5th Defendants.

27. The defendants have deprived us from the use and occupation of our property for several years, it is in the interest of justice to award damages against the defendants.

28. That the determination of the questions raised in the Originating Summons will enable us as Claimants to preserve our rights guaranteed to us by the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.

29. That it is in the interest of justice to set aside the purported provisional permit given to the 1st and 2nd Defendants by the 3rd Defendant.

30. It will serve the interest of justice if this honourable Court order all the Defendants to vacate the 1st Claimant's land forthwith.

31. I make this oath solemnly and conscientiously believing the contents to be true and correct to the best of my knowledge and ability and in accordance with the Oaths Act.

COURT'S ANALYSIS

Now, I have read and carefully considered the Originating Summons, the affidavit evidence and the Exhibits annexed thereto including submissions made out in the Claimants' written addresses.

I would proceed to determine the Four (4) questions or issues raised by the Claimants which are:

1. Whether in view of the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors., are the Claimants not entitled to possession, use and enjoyment of the property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5671r-3b42u-10 dated 2nd day of September, 2013.
2. Whether the 3rd, 4th and 5th Defendants or their agents, servants or agencies under them have a right to let or grant permission to the 1st and 2nd Defendants for the use of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 after Judgment has been delivered in favour of the Claimants in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.

3. Whether the 1st and 2nd Defendants have a right to occupy and/or remain in possession of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 despite the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.
4. Whether it is not right to order the 3rd, 4th and 5th Defendants who put the 1st and 2nd Defendants into possession of the Claimants property known as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 to remove the said 1st and 2nd Defendants from the Claimants' said property at the expense of the said 3rd, 4th and 5th Defendants.

By the provisions of **Sections 135-137 of the Evidence Act 2011** which provides thus:

Section 135(1)

“Whoever desires any court to give judgement as to any legal right or liability dependent on the existence of facts which he asserts must prove that those exist”

Section 135(2)

“When a person is bound to prove the existence of any fact it is said that the burden of proof lies on that person”

Section 136

“The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side”

Section 137 (1)

in civil cases, the burden of first proving the existence or non-existence of a fact lies on the party against whom the judgment of the court would be given if no evidence were produced on either side regard being had to any presumption that may arise on the pleadings.

In *Nwanze Augustine OkidegbeVs. Mallam Mahmoud Mohammed &Ors(2021) LPELR – 55191(CA)* it was held thus:

It is axiomatic that proof in civil causes is on a balance of probabilities. It is proof that is on the preponderance of evidence. Under Section 136(1), (2) of the Evidence Act 2011, the burden of proof prescribed by law is said to be as follows: 136(1). The burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person but the burden may in the course of a case be shifted from one side to the other. (2) In considering the amount of evidence necessary to shift the burden of proof, regard shall be had by the court to the opportunity of knowledge with respect to the fact to be proved which may be possessed by the parties respectively.

In the case of *Ekweozor&OrsVs. Reg. Trustee of the Saviours Apostolic Church of Nig(2020) LPELR-49568(SC) Peter Odili, JSC*, held extensively at pp39 to 40 para B-4 as follows:

To untie the puzzle it needs reiteration that the burden of proof in civil cases has two distinct facets; the first is the burden of proof as a matter of law and pleadings normally termed as the legal burden or the burden of establishing a case. The second is the burden of proof in the sense of adducing evidence usually described as the evidential burden. While the

legal burden of proof is always static and never shifting the other type being evidential burden of proof shift or oscillates constantly as the scale of evidence of preponderates. In resolving the issue, the primary onus of proof in a civil case such as the present one lies on the Applicant who happen to have shown it through an affidavit evidence.

I rely heavily on the following cases: *AnachunaNwokafor&OrsVs. NwamkwoUdegbe&Ors (1963)1 All N.L.R 107; Mogaji&Ors Vs. Odofin& Anor (1978) 4 SC 91; Bello Vs. Emeka (1981)1 SC 101 AT 117-120.*

In *Okidegbe Vs. Mohammed (Supra)* it was stated thus:

It needs to be said that the onus of proof does not exist in vacuum. The onus or burden of proof is the legal duty or obligation to prove or establish facts in relation to an issue. There cannot be any burden of proof where there are no issues in dispute between the parties for example, if the plaintiff's claim is admitted. There will generally be no onus on the plaintiff to go into proving of his claim. Similarly, if a particular averment of the plaintiff is admitted there will no longer be an onus to prove what has been admitted by the opposite party, therefore, to discover where the onus lies in any given case, the court has to look critically at the pleadings. Per Stephen Jonah Adah, JCA pp.31-34 para E-B.

Let it be expressly stated here that the requirement of our law on the evidential burden and standard of proof in the civil cases has not changed. The required proof is on the balance of probabilities. I take my guide from the case of *Emeka v. Chuba-Ikpeazu &Ors(2017) 15 NWLR(PT. (1589)345* and particularly the case of

Ngene Vs. Igbo & ANOR(2000)4NWLR (PT.651) 131 where the supreme court held as follows: “

In land matter, as in other civil matters, proof is on the balance of probabilities. It is the law that once plaintiff in a civil matter shows a prima facie case, the balance of probabilities will be in his favour unless the defendant’s case tilts that balance. This is implicit in the case of *Aromire Vs. Awoyemi(1972)2 SC 1 AT 10-11*

Originating Summons by its very nature is to make things simple for hearing and it is available to any person claiming interest under a deed, will or other written instrument. It is a procedure where the evidence in the main suit is by way of documents and there is not serious dispute as to their existence in dealing with the parties to the suit. In such a situation there is no serious dispute as to facts but what the Claimant is claiming is the declaration of his right. If there is a serious dispute as to facts, then a normal writ of summons must be taken out and not originating summons. I call in aid the case of **SUBAYA METALWARE NIGERIA LTD. vs. ALAKIJA & ANOR.(2022)LCN/16339(CA).**

The Claimants had sought for the interpretation of the Judgment of Court in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors, given rise to the formulation of the four (4) questions for determination by this Court. I would now proceed to determine the above questions.

I have earlier stated at the beginning of this Judgment that the 1st to 5th Defendants did not file any Counter-Affidavit or any process in opposition to this suit.

It is settled law that where facts provable by affidavit evidence are duly deposed to in affidavit by a party to a suit his adversary has a duty to controvert those facts in a counter-affidavit if he disputes them otherwise such facts may be regarded as duly established. I draw my strength from the cases of **ABUBAKAR & ORS V. NSCDC & ORS (2022) LPELR-57477(CA) (PP. 19-20 PARAS. E)** and **LONG-JOHN & ORS V. BLAKK & ORS (1998) LPELR-1791(SC) (PP. 31-32 PARAS. F)**

The case of **CHIEF ATANDA V. OLANREWAJU (1958) 10-11 SC: (1988) 4 NWLR (PT. 89) 394; MILITARY ADMINISTRATOR FHA V. ARO (1991) 1 NWLR (PT. 168) 405; OKERE V. NLEM (1992) 4 NWLR (PT. 234) 132; MOMAH V. VAB PETROLEUM INC (2000) 2 SC 142** also give credence to the above principle of law.

So also It is not the law that Courts must sheepishly accept every fact contained in an affidavit as true without evaluation. In *Okoye & Anor V Centre Point Merchant Bank Ltd (2008) LPELR - 2505, Tobi, JSC, of blessed memory* held:

I should also say that affidavit evidence is not sacrosanct. It is not above the evaluation of the Courts like oral evidence; a Court of law is entitled to evaluate affidavit evidence in order to ensure its veracity and or authenticity. While uncontradicted affidavit evidence should be used by the Court, there are instances when such affidavit evidence clearly tells a lie and the Court cannot be blind to such a lie. The trial Court was entitled to evaluate the affidavits before it and there is visible evidence in the judgment suggesting that the trial Court thoroughly evaluated the affidavits exchanged by all parties. I take my guide from the case of *OBI V. IGP & ORS (2022) LPELR-59141(CA) (PP. 21-22 PARAS. C)*.

It is on the above positions of law that I would proceed to evaluate the affidavit evidence before me in this case and make my findings accordingly.

On whether in view of the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors., are the Claimants not entitled to possession, use and enjoyment of the property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5671r-3b42u-10 dated 2nd day of September, 2013. This judgment which is the fulcrum of this suit is attached as Exhibit 'E' in paragraph 15 of the Claimants Affidavit in support. The issues in Exhibit E was thus:

- i. Whether the notice of the revocation dated 21/9/2018 [Exhibit 25A] revoked or extinguished 1st claimant's statutory right of occupancy over Plot 1673, Cadastral Zone B05, Utako District, Abuja.
- ii. Whether the Claimants are entitled to the reliefs sought.

The court in this Judgment by Honourable Justice S.C. ORJI resolved both issues in favor of the Claimant holding on the 1st issue above that the notice of revocation dated 21/9/2018 [Exhibit 25A] did not revoke or extinguish the 1st Claimants' statutory right of occupancy over the said Plot since the defendants did not prove that the notice of revocation was served on the 1st Claimant or the 2nd Claimant [her lawful attorney] personally or at all.

The Honourable Court further resolved the 2nd issue by entering judgment for the Claimants and granted the following Orders in favor of the Claimants against the Defendants jointly and severally:

- a. A Declaration that the purported Notice of Revocation dated the 21st day of September, 2018 is null and void and of no effect.
- b. A Declaration that the right of occupancy over Plot 1673, Cadastral Zone B05, Utako District, Abuja conveyed to the 1st Claimant by the 1st Defendant vide Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 19th day of September, 2013 is valid and subsisting.
- c. A Declaration that by virtue of the right of occupancy granted to the 1st Claimant by the 1st Defendant, the 1st Claimant is the beneficial owner and holder of the right, interest and title in and over Plot 1673, Cadastral Zone B05, Utako District, Abuja.
- d. An Order of perpetual injunction restraining the Defendants from revoking or, in any other way, manner or guise, tampering with the right of occupancy

granted to the 1st Claimant whether by way of diminution of the plot size, or re-designation of the land use and or purpose or howsoever.

- e. An Order of perpetual injunction restraining the Defendants jointly and severally from interfering, stopping, fettering or in any manner disturbing the Claimants' on-going development on Plot 1673, Cadastral Zone B05, Utako District, Abuja.
- f. General damages of N4, 000,000.00
- g. Cost of N200,000.00.

See pages 21 to 31 particularly at pages 24, 30 and 31 of Exhibit E.

COURTS' DECISION

Therefore, having carefully read through the above holdings of Honourable Justice S.C ORIJl in the said Judgment annexed as Exhibit E herein, it is as clear as day light that the Honourable Judge in his wisdom settled all the issues in controversy in the above suit forming the subject matter of this instant suit. Therefore, in view of the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors., [Exhibit E], the Claimants entitled to possession, use and enjoyment of the property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5671r-3b42u-10 dated 2nd day of September, 2013. I find and so hold.

Having resolved question and or issue No. One above in favor of the Claimants, questions and or issues two (2) to four (4) are consequently answered, resolved in favour of the Claimants as against the Defendants.

As a result, and upon the determination of the above questions in favour of the Claimants, it is hereby declared and ordered as follows:

- 1. A DECLARATION that in view of the Judgment in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors., the Claimants are entitled to possession, use and enjoyment of the property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013.**
- 2. A DECLARATION that the 3rd , 4th and 5th Defendants or their agents, servants or agencies under them have no right to let or grant permission to the 1st and 2nd Defendants for the use of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated 2nd day of September, 2013 after Judgment has been delivered in favour of the Claimants in Suit No: FCT/HC/CV/070/2018 between Halima Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.**
- 3. A DECLARATION that the 1st and 2nd Defendants have no right to occupy and/or remain in possession of the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated: 2nd day of September, 2013 after Judgment has been delivered in favour of the Claimant in Suit No: FCT/HC/CV/070/2018 between Halima**

Samuel (Suing through her lawful attorney Mr. Martin Anagboso) & Anor. v. Minister of Federal Capital Territory & 2 Ors.

- 4. AN ORDER OF THIS HONOURABLE COURT directing the 3rd, 4th, and 5th Defendants to remove the 1st and 2nd Defendants from the Claimants' property known and described as Plot 1673, Cadastral Zone B05, Utako District, Abuja with Certificate of Occupancy No. 67duw-12560-5b71r-3b42u-10 dated: 2nd day of September, 2013 at the expense of the 3rd, 4th, and 5th Defendants.**
- 5. AN ORDER OF THIS HONOURABLE COURT directing the Defendants to deliver up possession to the Claimants forthwith.**
- 6. AN ORDER directing the Defendants jointly and severally to pay the sum of N1,000,000.00 (One Million Naira Only as general damages to the Claimants.**

This is the Judgment of this Court.

Hon. Justice Jude O. Onwuegbuzie

Appearances:

1. Maxwell Ezumezu Esq., for the Claimant
2. Oluchi Vivian Uche Esq., holding the brief of Mike Ozekhome SAN for the 1st & 2nd Defendants.
3. No Representation for the 3rd, 4th & 5th Defendant.