

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY ABUJA
IN THE ABUJA GWAGWALADA DIVISION
HOLDEN AT COURT NO. 13 GWAGWALADA
BEFORE HIS LORDSHIP: HON. JUSTICE A. S. ADEPOJU
THIS 17th DAY OF JANUARY, 2024**

SUIT NO: FCT/HC/CV/5004/23

BETWEEN:

**MR EZEANOKETE OKECHUKWU JAMES ----- CLAIMANT
(TRADING UNDER THE NAME AND STYLE OKEY EZE UNITED)**

AND

**1. RIZAVWA BANK OF IDEAS } ----- DEFENDANTS
2. OKANLAWON OLADELEON }**

***KENECHUKWU OBIEZU** for the Claimant/Applicant.*

Defendants not in Court.

All the Defendants were served according to the Claimant's Counsel.

JUDGEMENT

This is an application sought under the undefended list pursuant to Order 35 of the FCT High Court Civil Procedure Rules. It is supported by an affidavit deposed to by one Ezeanokete Okechukwu, and also five (5) exhibits marked EO1-EO5. Claimant relied on all the facts in the affidavit and the exhibits in support of the application. There is also a written address in support.

By the provision of Order 35 of the FCT High Court Civil Procedure Rules. The Defendant have five (5) days before the day fixed for hearing to put up a notice showing that they intend to defend the action; together with an affidavit in support disclosing a defence on the merit. However where a defendant neglects to deliver the notice of intention to defend and an affidavit disclosing a defence on merit as prescribed by Rule 3(1) or leave

is not given to defend, the suit shall be heard as undefended and judgement given accordingly.

In the instant case, the defendants were served with the undefended writ on 13/10/2023 with the hearing date endorsed for 31/10/2023 and were further served with hearing notice against today's date. The Defendants have not complied with the provision of Order 35 Rule 3 of the FCT High Court Civil Procedure Rules. The Claimant's claim is hereby entered as undefended. And judgement is entered for the Claimant as per the Claim contained in the undefended writ of summons.

Signed

**Hon. Judge
17/1/2024**