

**IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA**

BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU

SUIT NO: FCT/HC/CV/4891/2024

MOTION NO: FCT/HC/M/14832/2024

DELIVERED ON THE 27/01/2025

BETWEEN:

OBI DANCOLIN NIGERIA LIMITED.....CLAIMANT/APPLICANT

AND

J. S. MATRIX INTERNATIONAL LIMITED.....DEFENDANT/RESPONDENT

RULING/JUDGMENT

By a Motion on Notice dated the 06/11/2024 and filed on the same date. The Claimant/Applicant is praying this Honourable Court for the following to wit:

1. **An Order** of this Honourable Court entering summary Judgment in the sum of **₦6,900,000**. (Six Million Nine Hundred Thousand Naira) Judgment in favour of the Claimant and against the Defendant as the Defendant has no defence to this suit.
2. **Omnibus prayer.**

This Application is predicated upon the ground that the Defendant has no defence to this suit.

In support of this Application the Claimant/Applicant filed a 9 paragraph affidavit deposed to by one Okechukwu Johnpaul Nwawulu wherein he averred to be the Manager of the Claimant Company which is registered under the laws of Nigeria with the Head Office at 15/16 St Jude Plaza Gudu behind FCMB Abuja.

That sometime in 2021 the Defendant who had a contract for the installation of Solar equipment and power inverter in Benue State entered an agreement with the Claimant to supply Solar equipments and power Inverter at their site in Benue State.

That the Claimant supplied it at the agreed location for which the Defendant issued it with a First City Monument Bank Cheque with No. **00035704** dated 06/11/2022 for the Sum of **₦6,900,000**. (Six Million Nine Hundred Thousand Naira Only) in liquidation of their debt which was Exhibited.

That the Cheque was presented on the 24/03/2022 but was dishonored by the Bank due to insufficient fund in the Defendant's account on that day it was presented by the Claimant the Deposit slip No. **014215591** for the lodgment of the Cheque is also attached.

That the Claimant notified the Managing Director of the Defendant of the incidence, who applogised and promised to pay up in few weeks but have failed to do so after several demands for month now.

Claimant relied on all averments in his affidavit and the 2 Exhibits attached in urging the Court to enter Summary Judgment in its favour against the Defendant.

Counsel further filed a written address in urging this Court to grant the Application wherein he formulated a sole issue for the determination of this Honourable Court to wit:

“Whether the Plaintiff/Applicant Merit the grant of the affidavit and all circumstance of the case?”

Counsel argued succinctly in urging the Court to grant their reliefs wherein he relied on Order 11 of the Rules of this Honourable Court for the purpose of Clarity I will reproduce.

“Where a Claimant believes that there is no defence to his Claim he shall file with his originating process, the statement of Claim, the Exhibits, the deposition of his witnesses and an Application for Summary Judgment, which Application shall be supported by an affidavit stating the grounds for his belief and a written brief in support of the Application”

The Defendant did not file any Counter or defence to the Application or writ of Summons even after been served with the processes on the 20/11/2024. The case came up for hearing on the 27/01/2025.

Court:

I have perused through the Application of the Claimant/Applicant on the one hand and the non-response of the Defendant on the other hand. It is my considered view that the Defendant is aware of the pendency of this suit but have failed however to file their defence or Counter to the Claimant's Application for Summary Judgment.

It is trite that unchallenged affidavit are deemed as admission on the part of the party not challenging same. It is on this note that I find the Claimant's Application to be meritorious and Judgment is hereby entered in his favour.

**SIGNED:
HON. JUDGE
27/01/2025.**

APPEARANCE:

*Stanley Orakpo, Esq, with N. I. Nsirin Mrs, Esq, for the Claimant
Defendant is absent and not represented.*