

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

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

**THIS THURSDAY THE 9<sup>TH</sup> DAY OF JUNE, 2022**

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

**SUIT NO: FCT/HC/CV/3224/2012**

**BETWEEN:**

**SEGUN AKINDELE.....PLAINTIFF**

**AND**

**JIMETA PROPERTIES.....DEFENDANT**

Parties absent.

Court: case adjourned for report of settlement.

Appearance: parties absent

Appearance: **ShahuMikeal**

For the claimant,

**A.Y. Zubairuwith NuhuMaikama** for the defendant we sincerely apologise for the absence of the defendant

Claimant counsel.

This matter is slated today for report of settlement. Parties have settled their matter amicably and have reduced the terms into writing, we adopt same before the court and urge the court to proceed to adopt same. Before the court is our terms of settlement filed on the 8/6/2022 and we humbly wish to adopt same as our term of settlement in this court.

Defendant counsel, we adopt same as our consent judgement of this court.

This is my judgement.

### **JUDGEMENT**

This matter is a transfer case before **Hon. Justice SalisuGarba (Rtd)** transferred to this court by **Hon. Justice H. B. Yusuf, Chief Judge of the Federal Capital Territory, Abuja** pursuant to the provision of **section 66(1) of the High court Act Cap, 510 laws of the Federation of Nigeria 1990** dated the 10<sup>th</sup> day of January, 2022, received by the Registrar of this court dated the 17-02-2022, fixed for mention on the 02-06-2022.

The writ of summon was filed dated, the 7-05-2012 whereof the plaintiff claims the following reliefs:

- a. An order of perpetual injunction restraining the 3<sup>rd</sup> defendant howsoever either by himself or through her privies from trespassing unto the plaintiff property namely, Plot No: 1295 Cadastral zone B1, Gudu District, Abuja**
  
- b. An order directing the 3<sup>rd</sup> Defendant to abate all nuisances on the plaintiff's property aforesaid.**
  
- c. An order declaring the purported allocation of Plot No: 1295, Cadastral Zone B1, Gudu District, Abuja to 3<sup>rd</sup> Defendant by 1<sup>st</sup> and 2<sup>nd</sup> Defendants, illegal, null and void and of no effect whatsoever.**
  
- d. An order directing 1<sup>st</sup> and 2<sup>nd</sup> defendants to immediately revoke the purported certificate of Occupancy issued infavourof 3<sup>rd</sup> defendant.**
  
- e. A declaration that the right of occupancy granted to the plaintiff in respect of plot No: 1295, Cadastral zone B1, Gudu District, Abuja is valid, legal constitutional and subsisting.**

**f. The sum of N5 Million (Five Million Naira) as damage.**

On the 10- 05-2022 the applicant counsel file a motion pursuant to **order 13 rule 198 of the High court of the Federal Capital (civil procedure) Rules 2018**, for an order of this Hon. Court striking out the names of the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> defendants/Respondents in this suit. The motion was moved by the claimant/applicant without an opposition from the 4<sup>th</sup> defendants, and same was granted, enrolment order drawn dated the 2-06-2022.

Counsel to the 4<sup>th</sup> defendant inform the court that there is a move to settle this matter out of court and discussion has reached an advanced stage and in the circumstance asked the court for a short date within which to file their report of settlement. This the claimant/applicant counsel did not oppose same and the matter was adjourned to 09-06-2022 for adoption of terms of settlement, this is in accordance to **order 26 of the High court of the Federal Capital Territory Abuja (civil procedure) Rules 2018** which provides thus:

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

Invoking this provision of law this court adjourned this matter till 09-06-2022 as agreed by the parties.

Today being 09-06-2022 both parties/counsel were in court wherein the defendant counsel informed this court that they have filed in their terms of settlement dated the 08-06-2022 signed by their respective counsel and urge the court to adopt same as the consent judgement of this court. This the applicant counsel did not object and also urge this court to adopt same as the consent judgement of this court.

In law, a consent by its nature is a contractual agreement between the parties. No court is allowed to re-write the contract entered into by parties thereto when parties enter into an agreement, since they are bound by its terms, one cannot legally read into the said agreement or settlement terms on which parties have not agreed. See **R.A.S.C Ltd VS AKIB**.

Inview of the provision of **order 26 of the High court of the Federal Capital Territory (civil procedure) rules 2018** and the case of **R.A.S.C LTD V AKIB**

(supra) I shall adopt the terms of settlement filed dated the 6<sup>th</sup> June,2022 signed by the parties and their respective counsels as the consent judgement of this court and order as follows:

- 1. That the disputed land (Plot No: 1295), Cadastral zone B1, Gudu District be sold and the proceed be shared equally between the plaintiff and the defendant in the ratio of 50% each.**
- 2. That any encumbrance/caveat placed on the land in dispute plot No: 1295, Cadastral zone B1 Gudu District, as it relates to the circumstance of the case shall be lifted.**
- 3. That either party may bring buyer for the land, however the price must be agreed by both parties.**
- 4. That both parties shall provide the prospective buyer with all the titled documents related and connected to the land in dispute in their respective possession.**
- 5. That the above terms are hereby jointly agreed by the parties to form the judgement of the court as full and final satisfaction of all claims related to this suit and any other agreement connected thereto, howsoever closely or remotely attached to it.**

This is the judgement of this court.

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**HON. JUSTICE A.Y. SHAFI**