

IN THE CHIEF DISTRICT COURT OF THE FEDERAL CAPITAL, TERRITORY
IN THE FEDERAL CAPITAL TERRITORY MAGISTERIAL DISTRICT
HOLDEN AT WUSE - ABUJA.

FORM E

NOTICE TO TENANT OF OWNER'S INTENSION TO APPLY TO RECOVER POSSESSION

To ABDULATEEF G. ETIMU
OF PLOT 1242, GODWIN OGBADU STREET
BO7 KATAMPE DISTRICT, ABUJA

Sir,

ALH. ABUBAKAR ABDULKADIR Owner or agent to

..... the owner

hereby give you notice, that unless peaceable possession of the premises 3 (THREE)

BED ROOM APARTMENT Situate at PLOT 1242
GODWIN OGBADU STREET, BO7 KATAMPE DISTRICT, ABUJA which were held of me or the said 3 (THREE)

BED ROOM APARTMENT under a tenancy from year to year

YEARLY which expired or was determined by notice to quit from the
said 3 (THREE) BED ROOM

otherwise..... on the

day of NOVEMBER 2018 and which premises are now held over and detained

from the said LANDLORD he given

ALH. ABUBAKAR ABDULKADIR the owner or agent on or before the

expiration of seven (7) clear days from the service of this notice,

ALH. ABUBAKAR ABDULKADIR shall on THURSDAYS next, the

12TH day of SEPT 2019 by 9:00 AM clock of the

same day, at CHIEF DISTRICT COURT, FCT-ABUJA apply to the court

issue a warrant directing an appropriate person on to enter and take possession of the said premises
and to eject any person therefrom.

DATED THIS 30TH DAY OF AUGUST, 20 19



SIGNED [Signature]
OWNER/AGENT

ALH. ABUBAKAR ABDULKADIR



ALH. ABUBAKAR ABDULKADIR BAMALLI

No. 25 Ishaku Road, Malali GRA, Kaduna

Remember not to Sublet or transfer your Room Shop or any Portion of the Premises to any one without the Consent of the Caretaker. In case of leaving the keys must be Submitted to the Caretaker in Charge.

Date June 11, 2018

HOUSE RENT RECEIPT

No. 161

Received from

Mr. Abdullahi Isah A. Ejimi

the sum of

Five hundred thousand naira only

Being payment for rentage of Room Flat for the months of

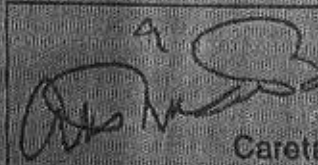
2018

N 500,000 = K

Arrears N 700,000 = K

Cheque No/Date

Bank Transfer



Caretaker

Dago: Tell the Court your name
PW: Abbas

Dago: Where do you live

PW:

Dago: Do you know the defendant

PW: Yes

Dago: Who is he to you

PW: He is a tenant

Dago: Where

PW: He is a tenant at Plot 1242 Godwin

Dago: Who owns the property you are referring to

PW: My father

Dago: Where is your father

PW: He is old and unable to come.

Dago: Why are you in court?

PW: I am in court because there is a
tenancy agreement between Alh Abubakar
and Abdulkatef

Dago: When did you rent the property to
the defendant

PW: December 2016 at the rate of 1,200,000

Dago: Can you describe the property?

PW: 3 bedroom flat.

PW: matter adjourned to 17/12/2019 for hearing.

①

his son
15th October, 2019

Parties: The plaintiff is represented by Mr. Abbas AbulKadir.

Appearance: R. E. Ukwon Eyo for the plaintiff.

Court: The matter today is slated for mention. However my lord we have not been able to serve the defendant. In the circumstance your worship, we will humbly be applying for an order of substituted service to be granted by this court.

Court: All efforts to serve the defendant personally has proved impossible. I hereby order for a substituted service on the premises of 1st Akide gate defendant.

Care adjourned to 5th November, 2019 for mention.

Parties: Plaintiff's son was in court, Defendant and his lawyer were.
Appearance: S. M. Inusa Esq, OA.

Inusa: Matter slated for mention.

Court: Summarised the case against the defendant to the defendant.

Defendant: The suit against me is not true.

Court: Matter adjourned to 17th December 2019 for hearing.

17/12/2019

Parties: Plaintiff's son is in court, Defendant is in court.

Appearances: A. O. Akanbi for Defendant. Dayo Ashonibar appearing with Simon M. Inusa.

The matter today is for hearing.

ago: Matter is for hearing and we are ready to go on.

rt: Informed Cautions the witnesses.

D: What happened after the first payment.

Pw: When the defendant was given grace by the landlord.

D: What happened after then

Pw: After the grace expired I approached the defendant to pay. He pleaded with me to give him time to come up with the rent after pleading I gave him time he paid \$50,000.00 to me in June 2018 as part payment of the rent, After then I approached him for balance of rent he pleaded with me to give him time, he paid another \$5,000.00 in March 2019 after then he was out there is a balance of \$200,000 rent for 2017 to 2018 rent. The landlord then instructed me to issue a quit notice to the tenant I issued the quit notice, he refused to leave I also issued an owners intention to recover possession.

Dago: You mentioned a quit notice and owners intention, how would you identify it.

Pw: It has the court heading on it the name of tenant and name of the Landlord.

Dago: My lord we seek to tender Sir

Court: Admitted and marked as exhibit
AA1 and AA2.

Dago: You have any evidence of payment

Pw: No but a receipt was issued to the Defendant 

Dayo: Do you have ~~evidence of payment~~ the receipt

PW: No because I did not issue it

Dayo: Do you have a copy of the receipt.

PW: No I have a soft copy.

Dayo: What did you do after then.

PW: On the authorisation of the landlord he asked me to get a lawyer, which I did, ~~when you~~

Dayo: ^{go} what did you discuss with the lawyer

PW:

Dayo: You said you got a lawyer, who is that lawyer you got.

PW: He is Mr dayo

Dayo: ~~Do when you consulted your lawyer~~ were ~~there any~~ After you met your lawyer what happened.

PW: We discussed, with him and he told me that the legal fees would be paid.

Dayo: How much was this legal fees you discussed.

PW: It amounted to 400,000

Dayo: Have you paid any amount

PW: Yes 50%.

Dayo: Do you have any evidence of payment

PW: Yes, he issued me receipt.

Dayo: Is this the receipt you are referring to

PW: Yes

Dayo: We apply that the same receipt be tendered

Court ~~then~~ receipt is marked as exhibit AAS.

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because that challenge I made a payment of 500,000 in June 2018 as part payment through the account of the landlord's son, after the first payment is made to Zenith bank based on the instruction of the landlord, we have that evidence here from the bank.

Counsel: take a look at this is this the document you are referring to

DW1: Yes

Counsel: We seek to tender the Zenith bank payment into evidence.

Court: Admitted and marked as exhibit AA12.

A receipt was issued by the landlord on 11 June 2018 by the landlord.

C: if you see a copy would you identify it.

DW1: Yes

Counsel: How

DW1: it is addressed to me.

Counsel: we seek to tender it as exhibit

Court: Exhibit AA5.

Matter is for defence

Appearances: 5m Inusa for Plaintiff, Akabi, Defendant is in Court.

~~But~~

Counsel: Witnesses you are on oath before this Honourable Court. Tell the Court your name, what do you do for a living, where you live.

DWL: Eli Wemuni, Public Servant, lives at Plot 1241 Cadestral Katempe

Couns: Do you know the defendant in this suit.

DWL: This is my land lord, I moved into the property on 31/12/2016 after making payment of 1.2 million for

insurance to December 31st 2017 after the payment we had a Certificate relating to the property. However in 2018 when the next rent was due I was unable to

pay due to a serious health challenge.

that affected my wife. It was between 1st and 2nd death the landlord

and his son were aware that necessary

to spend much funds during that process we ended up losing the property

now. Therefore I made a plan on the

landlord to have compensation for me to be able to take my rent.

on the 4th of March 2019 I made additional payment of A\$60,000, making a total of 1 million naira paid.

~~Question~~ if you see the teller of money paid now no

~~Dave~~: A transfer from me to ~~Adagss~~ Benalli.

Counsel! We seek to tender same as exhibit Court! Marked Exhibit AAG,

DWJ! After this payment the Son acknowledge my receipt and up to now I have not receipt the receipt from the landlord and all effort to obtain the receipt from the landlord - lands son proof abortive. 2 days later after payment of the said amount the Landlord's Son called me and said the landlord said I should leave the property. At that point I suspected foul play. Shortly after that I saw a notice quit notice at that point what I now decided to do was to engage my lawyer to do a formal letter of appeal and payment proposal for that 2019. The letter was dated 8 May 2019. The outstanding payment in June. Payment of A\$600,000.00 Received and a subsequent pay-

- ment of A\$600,000.00.

Counsel: You said ^{you instructed} your Lawyer to sign a proposal.

DWI: Yes

Counsel: Did he carry it out.

DWI: Yes Immediately

Counsel: we seek to tender the acknowledgment copy as exhibit.

Court: Date 8 May 2019 AAT

DWI: On the 20 May we received a letter from the solicitors, stating a total refusal of the appeal as well as the payment arrangement. Stating that they are not interested in receiving any formal renewal of the rent from me except that I shall vacate the premises for the personal use of the landlord. Despite that the landlord's son on many occasion has mentioned to me that if I am willing to pay instrumentally they are willing to accept.

Counsel: You said there was a rep

Court

Cross Examination

Are you still residing in the property
DW1: Yes

When did you move into the property

DW1: 31 December 2016

When was the last time you paid your
rent

DW1: 7 March, 2018.

How much is your annual rent for the said
property

DW1: 1,200,000.00

How much did you pay for 2018 rent

DW1: 1,000,000.00

Will it be right to say you have an outstand-
ing of 200,000.00

DW1: Yes

Is it the normal practice to pay rent in
advance.

DW1: No, I made an appeal to them but
they refused

Have you paid the rent for 2019

DW1: no they refused

How much are you suppose to pay for 2019

DW1: 1.2 million.

That will be all for this witness.