

**IN THE HIGH COURT OF JUSTICE OF NIGER STATE**  
**IN THE MINNA JUDICIAL DIVISION**

**HOLDEN AT MINNA**

SUIT NO: Nstc/NB/09/2025

MOTION NO: Nstc/NB/12M/2025

**BETWEEN:**

**1. ABUBAKAR MOHAMMED MAIGADA**

(For himself and on behalf  
of Guzan Community)

**2. MUHAMMAD KUDU**

(For himself and on behalf  
of Wuchi Community)

.....PLAINTIFFS

**MAINSTREAM ENERGY SOLUTIONS LIMITED.....DEFENDANT**

**MOTION ON NOTICE**

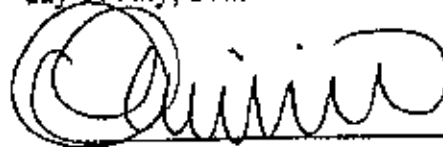
**BROUGHT TO ORDER 30 RULE 10 OF THE NIGER STATE (HIGH CIVIL)  
RULES 2018 UNDER THE INHERENT JURISDICTION OF THE  
HONOURABLE COURT**

**TAKE NOTICE** that this Honourable Court shall be moved on the  
day of 2025 at the hour of 9 0' Clock in the forenoon or so soon  
thereafter as Counsel may be heard on behalf of the Plaintiffs/Applicant for the  
following:

1. AN ORDER granting leave to the Plaintiffs/Applicant to file an additional Witness Statement on Oath.
2. AN ORDER deeming the Witness Statement on Oath of Dada Azhi marked as Exh. "A" already filed and served as having been properly filed and served, the appropriate filing fees having been paid.

**AND FOR SUCH FURTHER OR OTHER ORDERS** as this Court may deem fit to make in the circumstances.

Dated this 21<sup>st</sup> day of July, 2025.



✓ Dayo G. Ashonibare, Esq. LLM, ACI Arb (UK)

Ene Ashonibare, Esq

Simiat Sulaiman, Esq

Smart Fyनेface Wofuru Esq

Blessing Etamessor, Esq

Adamu Abbas Ahman, Esq

Plaintiff's Counsel

Levite Solicitors & Arbitrators



1| Levite Solicitors & Arbitrators

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**FOR SERVICE ON THE DEFENDANT:**  
**MAINSTREAM ENERGY SOLUTIONS LIMITED**  
6 Yedseram Street, Off IBB Way,  
Maitama FCT-Abuja

Motion on Notice — ~~750~~ 500  
Affidavit in Support — 500  
Written Address — 500  
1 Annexure — 100  

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N1,600

Nesib  
R - 0000003492  
24/10/2025

**IN THE HIGH COURT OF JUSTICE OF NIGER STATE**  
**IN THE MINNA JUDICIAL DIVISION**  
**HOLDEN AT MINNA**  
**SUIT NO:**

**BETWEEN:**

- |                                                                                          |  |                         |
|------------------------------------------------------------------------------------------|--|-------------------------|
| <b>1. ABUBAKAR MOHAMMED MAIGADA</b><br>(For himself and on behalf<br>of Guzan Community) |  |                         |
| <b>2. MUHAMMAD KUDU</b><br>(For himself and on behalf<br>of Wuchi Community)             |  | ..... <b>PLAINTIFFS</b> |

**MAINSTREAM ENERGY SOLUTIONS LIMITED.....DEFENDANT**

**AFFIDAVIT IN SUPPORT OF MOTION**

I, Comfort Ikechukwu, Female, Adult, Christian and Nigerian citizen, of Levite Solicitors & Arbitrators. Block 15D, Efire ileogun street, Gwarinpa FCT-Abuja do hereby make oath and state as follows:

1. That I am a Litigation Clerk in the Law firm of Levite Solicitors & Arbitrators, and by virtue of my position, I am conversant with the facts of this case.
2. That facts deposed to in this Affidavit are facts within my personal knowledge which are derived from my schedules in the Office except where stated otherwise.
3. I have been informed by my Principal Dayo Ashonibare Esq, of Levite Solicitors & Arbitrator at our Office, Block 15D, Efire ileogun street, Gwarinpa, Abuja on the 21<sup>st</sup> day of July, 2025 at about 10:00am of the following facts which I verily believed to be true and correct.
4. That at the time of filing the initial processes in this suit, the said additional witness, Dada Azhi was not available on ground to sign or provide a witness statement due to other engagement.
5. That the said witness has now returned and is available to testify, and his/her evidence is material to the just determination of this suit being the lead consultant for the valuation.

6. That the Plaintiff did not deliberately withhold the witness but was constrained by the witness's unavailability at the time of filing.
7. That it is in the interest of justice that this Honourable Court grants leave to call the said additional witness to ensure a fair and complete adjudication of the matter.
8. That I depose to this affidavit in good faith, believing the facts stated herein to be true and correct to the best of my knowledge.
9. That, the Defendant will not be prejudiced by this Application, and I depose this Affidavit in good faith whilst believing its contents to be correct in accordance with the Oaths Act Cap 01 LFN 2004.

*Chil*  
DEPONENT

[  
Sworn at the Registry of the  
High Court of Niger State Minna  
This *24<sup>th</sup>* day of *OCTOBER* 2025.

BEFORE ME  
HIGH COURT OF JUSTICE  
COMMISSIONER FOR OATH  
NASIRU CIADA  
SIGN... *Nasir*  
NIGER STATE OF NIGERIA  
COMMISSIONER FOR OATHS *24/10/2025*

**IN THE HIGH COURT OF JUSTICE OF NIGER STATE**  
**IN THE MINNA JUDICIAL DIVISION**  
**HOLDEN AT MINNA**  
**SUIT NO:**

**BETWEEN:**

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------------------------|

**MAINSTREAM ENERGY SOLUTIONS LIMITED.....DEFENDANT**

**PLAINTIFF/APPLICANT'S WRITTEN ADDRESS**

**INTRODUCTION AND RELEVANT FACTS**

1.1 The Plaintiffs/Applicants filed this suit before the Registry of this Honourable Court and now seek to call additional witness in proof of his claim, hence application.

1.5 The Motion is brought pursuant to Orders 39 of the High Court of Niger State (Civil Procedure) Rules 2018 supported by a nine (9) paragraphs Affidavit deposed by Comfort Ikechukwu, a litigation clerk in the law firm of Levite Solicitor & Arbitrators, we rely on all paragraphs of the said affidavit and this written address. The Applicant respectfully relies on all the paragraphs of the Affidavit and urges this Honourable Court to grant this application.

**2.0 ISSUES FOR DETERMINATION**

2.1 In the respectful submission of counsel the sole issue that arises for determination in this application is as follows;

**"Whether It is just and equitable to grant the instant application in the circumstances of this case."**

**3.0 CASE FOR THE PLAINTIFF/APPLICANT**

3.1 In the respectful submission of counsel, this Honourable Court ought to grant this application in the circumstance of this suit particularly with reference to the paras of the affidavit in support of the motion.

3.2 Order 30 Rule 10 of (Civil Procedures) of the Niger State provides thus;

5|Levite Solicitors & Arbitrators

**"A party who desires to call any witness not being a witness whose deposition on oath accompanied his pleadings shall apply to the for judge for leave to call such witness**

3.4 From the foregoing, leave of this Honourable Court is required to file a additional witness and accompanying Witness Statement on Oath as required by the Rules of this Court. This Honourable Court is urged to rely on the said reasons as same are meritorious and to grant the instant application.

3.5 Further to the foregoing, the facts deposed in the Affidavit in support of this application have not been challenged and as such it is trite law that this Honourable Court ought to deem them as having been duly established.

See also the following:

- Egbuna v. Egbuna (1989) 2 NWLR (Part 106) 773, 777
- Alagbe v. Abimbola (1978) 2 SC. 39, 40.

3.6 On the strength of all the foregoing, this Honourable Court is urged to hold that it is just and equitable in the circumstance of this application to grant same.

3.7 The further reason why this Honourable Court should lean towards granting the application is that the Applicants right to fair hearing would be breached if it is not given adequate latitude to defend the case against it in accordance with the spirit and intendment of Section 36(1) Constitution of the Federal Republic of Nigeria 1999 which provides thus;

**"In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and contained in such a manner as to secure its independence and impartiality"**

3.8 In the further submission of the Applicant, the dictates of fair hearing provide for parties to a suit to be allowed to call all relevant witnesses to support their case and that is what the Applicant herein seeks to achieve in the instant application. This Honourable Court is therefore urged to grant the application.

#### **4.0 SUMMARY AND CONCLUSION**

4.1 On the strength of all the authorities cited the evidence before this Honourable Court, the sole issue raised for determination ought to be resolved in the Applicants favour and this Honourable Court is urged to so hold and to grant the application as well.

May it please my noble Lord

Dated this 21<sup>st</sup> day of July, 2025.



✓ Dayo G. Ashonibare, Esq, LLM, ACI Arb (UK)

Ene Ashonibare, Esq

Simiat Sulaiman, Esq

Smart Fyनेface Wofuru Esq

Blessing Etamessor, Esq

Adamu Abbas Ahman, Esq

Plaintiff's Counsel

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FOR SERVICE ON THE DEFENDANT:

**MAINSTREAM ENERGY SOLUTIONS LIMITED**

6 Yedseram Street, Off IBB Way,

Maitama FCT-Abuja

IN THE HIGH COURT OF JUSTICE OF NIGER STATE  
IN THE MINNA JUDICIAL DIVISION  
HOLDEN AT MINNA  
SUIT NO:

**BETWEEN:**

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|

**AND**

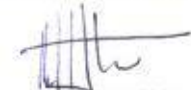
**MAINSTREAM ENERGY SOLUTIONS LIMITED.....DEFENDANT**

**WITNESS STATEMENT ON OATH OF ESV DADA AZHI**

I, **ESV Dada Azhi**, Male, Adult, of No. NS. B 2 Off Kangiwa road, Unguwa Nassarawa Chanchaga, Minna, Niger State, do hereby make oath and state as follows;

1. That I am a consultant with Dada Azhi & Company engaged by the Plaintiffs to lead the team of Surveyors to conduct an independent assessment and valuation of damages suffered by Wuchi and Guzan Communities as a result of the Defendant's discharge of water from its dam in January and April 2025.
2. That I am a qualified Surveyor with many years of professional experience in post-disaster loss evaluation, community impact audits, and financial damage assessments.
3. That upon receiving complaints from members of the wuchi and guzan communities, I and my team visited the site for inspection and investigation a, during which I visited several farms, residences, and interviewed most affected victims.

4. That the assessment methodology included eyewitness interviews, inspection of flooded farmland, estimation of crop yield losses, equipment destruction analysis, and monetary valuation of direct and indirect damages sustained.
5. That based on the information obtained and field evidence gathered, we prepared a comprehensive damage valuation report detailing the nature, scope, and financial impact of the Defendant's actions on the Plaintiffs' communities.
6. That the total damages incurred were professionally valued at approximately ₦5,150,000,000.00 (Five Billion One Hundred and Fifty Million Naira), covering crop losses, destroyed irrigation infrastructure, farming equipment, housing damage, and associated economic losses.
7. That our evaluation report contains supporting materials including photographs, data charts, economic projections, and analytical models which substantiate the claims made therein. The Evaluation report is here attached and pleaded.
8. I was previously unavailable to depose due to professional commitments outside the jurisdiction, but I am now ready to testify and clarify any part of the report being the team lead consultant for the valuation.
9. That I affirm the objectivity, independence, and professional integrity of the assessment exercise. At no point was the process influenced by any party, interest group, or external pressure. All findings were derived strictly from field data, technical analysis, and professional judgment.
10. That I make this statement in good faith, with the firm belief that the facts stated herein are true and based on my personal knowledge and experience.



Deponent

SWORN TO AT THE REGISTRY OF THE HIGH COURT OF JUSTICE  
MINNA, NIGER STATE

This 24<sup>th</sup> day of October, 2025

BEFORE ME

HIGH COURT OF JUSTICE  
COMMISSIONER FOR OATH  
NASSARUA  
SIGN Nasir  
COMMISSIONER OF OATHS NIGERIA

24/10/2025