

Comfort Uzeehukwu

24/09/26

Case

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IN THE COURT OF APPEAL OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

APPEAL NO CA/ABJ/CV/66/2026

SUIT NO: FCT/HC/CV/3139/2024

BETWEEN

SENATOR TOKUNBO AFIKUYOMI

APPELLANT

AND

PRINCE SAMSON A. ATAIYERO

1ST RESPONDENT

THE DEPUTY SHERIFF, FCT HIGH

2ND RESPONDENT

COURT.

MOTION ON NOTICE FOR ENLARGEMENT OF TIME

BROUGHT PURSUANT TO ORDER 6 RULES 6 AND 9 OF THE COURT
OF APPEAL RULES 2021 AND UNDER THE INHERENT JURISDICTION
OF THIS HONOURABLE COURT

TAKE NOTICE that this Honorable court may be moved on the day of 2026 at the hours of 9 O'clock in the forenoon or so soon thereafter as counsel on behalf of the 2nd Respondent/Applicant may be heard praying the court for the following:

1. AN ORDER extending the time with which the 2nd Respondent/Applicant may file It's Respondent brief and other court processes in this suit out of time.
2. AN ORDER of this Honorable Court deeming the 2nd Respondent Brief of Argument and other Court Processes already filed as properly filed and served.
3. ANY OTHER ORDER(S) as this Honorable Court may deem fit to make in the circumstances of this case.

OFFICIAL

Dated this 22nd day of September, 2026.



Anayisi Agnes Fache-Omuya Esq
Notary Public
Legal Unit,
High Court of the FCT,
Jabi, Abuja.
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FOR SERVICE ON:

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Ene Ashonibare Esq
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2. 1st Respondent's Counsel

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**IN THE HIGH COURT OF APPEAL OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**



**APPEAL NO: CA/ABJ/CV/66/2026
SUIT NO: FCT/HC/CV/3139/2024**

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APPELLANT

AND:

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1ST RESPONDENT

**THE DEPUTY SHERIFF, FCT HIGH
COURT**

2ND RESPONDENT

AFFIDAVIT IN SUPPORT OF MOTION FOR ENLARGEMENT OF TIME

I, Abba Datti, Adult, Muslim and a civil servant, at the Legal Unit of High Court of FCT, Abuja do hereby make Oath and state as follows:

1. That I am a staff in the Legal Unit, Counsel to the 2nd Respondent/Applicant in this suit and by virtue of my aforesaid position, I am conversant with the facts of this case.
2. That I have the consent and authority of the 2nd Respondent/Applicant and it's counsel to swear to this Oath.
3. That I was informed by the 2nd Respondent/Applicant Counsel, Anayisi Agnes Fache-Omuya Esq, staff of the FCT high court in the legal unit, handling this matter for the 2nd Respondent.
4. that on the 3rd September, 2026 at the Legal Unit, Jabi office at about 10.00am and I verily believe what she said to be true.

**IN THE HIGH COURT OF APPEAL OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**



APPEAL NO: CA/ABJ/CV/66/2026

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2. That I have the consent and authority of the 2nd Respondent/Applicant and it's counsel to swear to this Oath.
3. That I was informed by the 2nd Respondent/Applicant Counsel, Anayisi Agnes Fache-Omuya Esq, staff of the FCT high court in the legal unit, handling this matter for the 2nd Respondent.
4. that on the 3rd September, 2026 at the Legal Unit, Jabi office at about 10.00am and I verily believe what she said to be true.

5. That the 2nd Respondent/Applicant's process, especially Appellant brief was served at the Chief Registrar's office in Maitama, and before it was brought to the notice of legal unit in Jabi, the time to file the 2nd Respondent Brief of Argument within time had elapsed.
6. That due to this and other administrative bottleneck, the 2nd Respondent could not file its processes in this Honorable court within time.
7. That this affidavit is to regularize the process of the 2nd Respondent/Applicant in this matter.
8. That the 2nd Respondent/Applicant has filed her Respondent Brief of Argument and is ready and prepare to defend the suit.
9. That the delay in filing the 2nd Respondent Brief of Argument was not intentional and granting the motion for 2nd Respondent to defend itself would be in the interest of justice.
10. That I make this Affidavit in good faith and in accordance with the Oath Act of the Federal Republic of Nigeria in force.



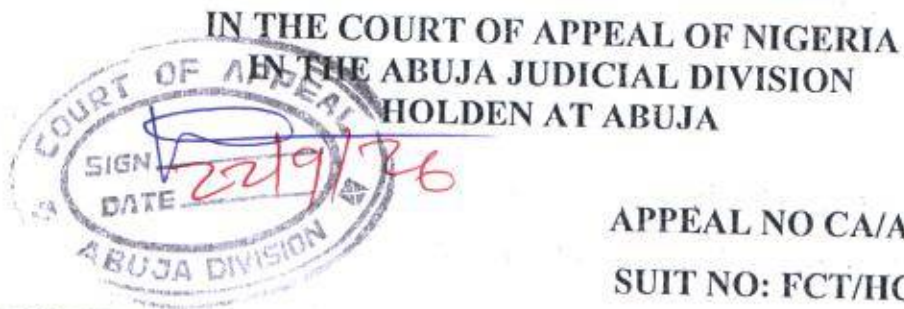
DEPONENT

Sworn at the Court Appeal Abuja Division Registry

This 22nd Day of Sept, 2026.

BEFORE ME


**COURT OF APPEAL
ABUJA DIVISION
MARGARET IYAJI
EXECUTIVE OFFICER
COMMISSIONER FOR OATHS**
COMMISSIONER FOR OATHS



APPEAL NO CA/ABJ/CV/66/2026
SUIT NO: FCT/HC/CV/3139/2024

BETWEEN

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AND

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THE DEPUTY SHERIFF, FCT HIGH

2ND RESPONDENT

COURT.

**WRITTEN ADDRESS IN SUPPORT OF MOTION ON NOTICE FOR
ENLARGEMENT OF TIME**

1.0 INTRODUCTION

1.01 This is a Motion on Notice brought under Order 6 Rule 9 (1) of the Court of Appeal Rules of 2021 and under the inherent jurisdiction of this Honorable Court praying for the following reliefs:

- a) An order extending/enlarging the time within which the 2nd Respondent/Applicant can file her Respondent Brief of Argument and other processes in response to the Appellant's Brief of Argument in this suit out of time.
- b) An order deeming the already filed 2nd Respondent's Brief of Argument and other processes in response to the Appellant's Brief of Argument in this suit as properly filed and served.
- c) Any other order(s) as this Honorable Court may deem fit to make in the circumstance of this suit.

1.02 The Motion is supported by a 10 paragraphs Affidavit.

We shall hereby rely on all the paragraphs of the Affidavit.

2.0 ISSUES FOR DETERMINATION

2.01 The sole issue for determination is whether it is in the interest of Justice to grant this application.

3.0 ARGUMENT IN SUPPORT OF THE SOLE ISSUE

3.01 Order 6 Rule 9(1) of the Court of Appeal Rules 2021 states thus:
ENLARGEMENT OF TIME:

The Court may enlarge the time provided by these Rules for the doing of anything to which these Rules apply, except as it relates to the taking of any step or action under Order 16.

3.02 In *Atangba v. Effini* (2001) FWLR part 58 1013 at 1215, The Court of Appeal per Open JCA held that "The right to fair hearing is enshrined in section 36(1) of the 1999 constitution and it goes much more than that a party participated at the trial. Both parties must be given adequate opportunities to present their cases and the court must hear both sides before coming to its decision".

3.03 In *U.T.C. Nig. Ltd v. Pamotei* (2002) FWLR part 129 at 1576, the Supreme Court held that the rules of Court "are designed to assist the parties in putting forward their case before the Court. They are not intended to deny parties of the opportunity of presenting their case thereby resulting in injustice".

3.04 In *Kolawole v. Alberto* (2002) FWLR part 130 at 1768 the Supreme Court per Craig JSC held that "The Court may, as often as it thinks fit, and either before or after the expiration of the time approved by the rules or by any judgment, order, rule of the court, extend or adjourn the time for doing any act or taking any proceeding".

4.0 CONCLUSION:

4.01 We urge the court to exercise the court's discretion in favor of the 2nd Respondent/Applicant and grant this application as it will be in the interest of justice to do so.

List of Authorities relied upon

1. Order 6 Rules 6 and 9 of Court of Appeal Rule 2021
2. Atambgba V Effini (2001) FWLR Part 58 1013 at 1215
3. U.T.C Nig. Ltd V Pamotei (2002) FWLR pt.129 at 1576
4. Kolawole V Alberto (2002) FWLR part 130 at 1768

Dated this...23rd...Day of...September...2026



Anayisi Agnes Fache-Omuya Esq
Notary Public
2nd Respondent's Counsel
High Court of the FCT,
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FOR SERVICE ON:

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Ene Ashonibare Esq
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2. 1st Respondent:

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