

IN THE HIGH COURT OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO: KDH/KAD/1224/25
MOTION NO.....

BETWEEN

PAN NIGERIA LIMITED - PLAINTIFF/APPLICANT

AND

ACCESS BANK PLC -DEFENDANT

MOTION ON NOTICE
BROUGHT PURSUANT TO ORDER.... RULE ...OF THE HIGH
COURT OF KADUNA STATE CIVIL PROCEDURE RULES AND
UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE
COURT

TAKE NOTICE that this Honorable Court will be moved on the day of 2026 at the hour of 9 O'clock in the forenoon or so soon thereafter as the Defendant/Applicant Counsel may be heard praying this Honorable Court for the following Orders:

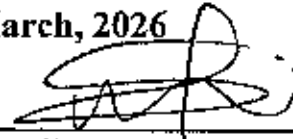
- 1. AN ORDER** for extension of time within which the Plaintiff/Applicant may file its response to the Counter Affidavit dated the 14th day of October 2026 in this suit out of time, the time for filing same having elapsed.
- 2. AN ORDER DEEMING** the Plaintiff/Applicant's response to the Counter Affidavit already filed and served as properly filed and served, the filing fees having been paid as assessed
- 3. AND FOR SUCH** further Order(s) as this Honorable Court may deem fit to make in the circumstance.

TAKE FURTHER NOTICE THAT THE GROUNDS upon which this application is brought are as follows:

- a) By Order 15 rule 1 of the rules of this Honorable Court, the Plaintiff/Applicant specific days to respond to the Defendant's Counter Affidavit and the said days have elapsed.

- b) That Order 15 Rule 1 of the Rules of this Honorable Court permits your Lordship to extend the time for doing any act as it deems fit.
- c) That the non-filing of the Plaintiff/Applicant's response to the Counter Affidavit within time was not deliberate but due to the unavailability of the deponent in this suit.

Dated this 4th day of March, 2026



Dr. Dayo G. Ashonibare, Esq. LL.M. (UK)

R. E. Okwori, Esq.,

✓ Simiat Suleiman, Esq.,

J.O. Ibrahim, Esq.,

(Plaintiff/Applicant's Counsel),

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For Service on:

The Defendant

C/O Their Counsel

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IN THE HIGH COURT OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO: KDH/KAD/1224/25
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BETWEEN:

PAN NIGERIA LIMITED - PLAINTIFF/APPLICANT

AND

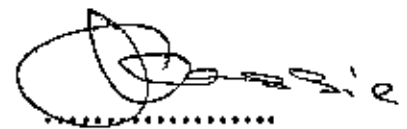
ACCESS BANK PLC -DEFENDANT

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE
FOR EXTENSION OF TIME

I, Comfort Ikechukwu, Female, Adult, Christian and Nigerian citizen of Levite Solicitors & Arbitrators., Gwarimpa Il, 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 Simiat Suleiman Esq, one of the Counsel at our Office, on the 26th day of February, 2026 at about 10:00am of the following facts which I verily believed to be true and correct, Thus;
 - a) That by Order 15 rule 1 of the rules of this Honorable Court, the Plaintiff/Applicant has specific days to file their response to the Defendant's Counter Affidavit; the said days have elapsed.
 - b) That an Order of this Honorable Court is required to enable the Plaintiff/Applicant file its Response.
 - c) That the Rules of this Honorable Court permit your Lordship to extend the time for doing any act as it deems fit.

- d) That the non-filing of the process listed above within time was not deliberate but due to unavailability of the Deponent.
4. That the Plaintiff/Applicant is desirous and also interested in pursuing this matter and has since filed and served the process which extension of time is being sought now, having paid the default fee.
5. That it will be in the interest of Justice to grant this Application.
6. That I make this declaration in good faith believing its contents to be true and correct and in accordance with the Oath Act.



DEPONENT

**SWORN TO AT THE HIGH COURT OF THE FEDERAL CAPITAL
TERRITORY REGISTRY, KADUNA THIS DAY OF.....2026**

BEFORE ME

COMMISSIONER FOR OATH

IN THE HIGH COURT OF KADUNA STATE
IN THE KADUNA JUDICIAL DIVISION
HOLDEN AT KADUNA

SUIT NO: KDH/KAD/1224/25
MOTION NO.....

BETWEEN:

PAN NIGERIA LIMITED - PLAINTIFF/APPLICANT

AND

ACCESS BANK PLC -DEFENDANT

PLAINTIFF/APPLICANT'S WRITTEN ADDRESS IN SUPPORT OF
THE MOTION ON NOTICE FOR EXTENSION OF TIME

1.0 INTRODUCTION

- 1.1 This is a Motion on Notice brought for the purpose of filing the Defendant/Applicant's Final Written Address out of time, the time for filing same having elapsed.
- 1.2 My lord this application specifically prays for the following Orders:
 - a) By Order 15 rule 1 of the rules of this Honorable Court, the Plaintiff/Applicantspecific days to respond to the Defendant's Counter Affidavit and the saiddays have elapsed.
 - b) That Order 15 Rule 1 of the Rules of this Honorable Court permits your Lordship to extend the time for doing any act as it deems fit.
 - c) That the non-filing of the Plaintiff/Applicant's response to the Counter Affidavit within time was not deliberate but due to the unavailability of the deponent in this suit.
- 1.3 My lord, this motion is supported by a 6 paragraphs Affidavit duly deposed to by Comfort Ikechukwu, a Litigation Clerk in the Law Firm of Levite Solicitors & Arbitrators, counsel to the Plaintiff/Applicant.

1.4 My lord, we place reliance on all the paragraphs of the Affidavit.

2.0 LEGAL ARGUMENTS

2.1 My lord, the Plaintiff/Applicant herein formulates a sole issue for the consideration of your Lordship in the determination of this Motion to wit:

Whether in view of the facts contained in the supporting affidavit vis-a-vis the position of the law, the Applicant has made out a case for the grant of the reliefs sought.

2.2 We submit my lord that it is clear from the Affidavit in support of Application that the delay in filing the processes was not deliberate and the Applicant has adduced cogent reason that will persuade your Lordship to exercise your discretion in his favor.

2.3 My lord, we further submit, that the Rules of this Honorable Court further affirm your Lordship's discretion to grant an application of this nature. We commend to your Lordship **ORDER 15 RULE 1 OF THE HIGH COURT KADUNA STATE (CIVIL PROCEDURE) RULES.**

2.4 My lord the Plaintiff/Applicant in urging this Honorable Court to exercise its discretion in its favor has placed before it material facts as contained in its Affidavit attached to justify its application. This position is in line with the case of **HERITAGE BANK CO. LTD V. N.U.C (2014) 15 NWLR (PT.1429) 76 @ 89-90, PARA H** where the Court of Appeal held thus:

"It is the duty of an applicant to place sufficient materials before the Court to assist the Court exercise its discretion in his favour"

See also the **BELLO V. YAKUBU (2008)14 NWLR (PT. 1106) 104 AT 120, PARAS E-F** where the Court of Appeal held thus;

"Discretion is a very fluid situation. It is neither here nor there. When a Court is invited to exercise its discretion one way or the other, the Court has to take cognizance of the very facts of the case before it."

- 2.5 It is our submission therefore my lord, that the refusal of this application would be tantamount to the denial of fair hearing on the part of the Plaintiff/Applicant. We commend to your Lordship the decision of the Court in the case of **OBETA VS OKPE (1999)9 NWLR (PT 473) 401 AT 440 (PARAS F)**, where it was held thus:

"It is a basic principle of law that where a person's legal right or obligation is called into question he should be accorded full opportunity to be heard before any adverse decision is taken against him with regard to such right or obligation. Put defiantly, it is far indispensable requirement of justice that an adjudicating authority to be fair and just shall hear both sides to a dispute, giving them ample opportunity to present their case. Accordingly, a hearing can only be said to be fair when inter alia, all parties to the dispute are given a hearing or an opportunity of a hearing. If one of the parties is refused or denied a hearing or is not given an opportunity of being heard such cannot qualify as a fair hearing under the audialterampartem rule".

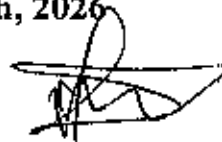
- 2.6 We therefore humbly urge your Lordship to resolve the sole issue for determination in favor of the Plaintiff/Applicant.

3.0 CONCLUSION

- 3.1 We most humbly submit that by the above provision of the Rules of this Honorable Court and judicial authority, this Honorable court can grant this Application for extension of time in the interest of Justice, and we further urge my lord to grant same in favor of the Applicant.

- 3.2 May it please your Lordship.

Dated 4th day of March, 2026



Dr. Dayo G. Ashonibare, Esq. LL.M. (UK)

R. E. Okwori, Esq.,

Simiat Suleiman, Esq.,

J.O. Ibrahim, Esq.,

(Plaintiff/Applicant's Counsel),

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