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IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DISTRICT
HOLDEN AT ABUJA
SUIT NO: CV/171/2024

It is the discretion of the court to regularize the court's proceedings

MOTION NO: *MN/67/2026*

BETWEEN:
DR. DATTI BABA AHMED PLAINTIFF

AND

APPLIED IMPACT SOLUTIONS LTD DEFENDANT

MOTION ON NOTICE
BROUGHT PURSUANT TO THE INHERENT JURISDICTION OF THIS
HONOURABLE COURT

TAKE NOTICE that this Honourable Court will be moved on the day of, 2026, at the hour of 9:00 a.m. or so soon thereafter as Counsel may be heard on behalf of the Plaintiff/Applicant praying this Honourable Court for the following Orders:

1. AN ORDER granting leave to the Plaintiff/Applicant to reopen the examination-in-chief of the Plaintiff's sole witness.
 2. AN ORDER setting aside the adoption of the Witness Statement on Oath dated 20th March 2025.
 3. AN ORDER permitting the Plaintiff's sole witness, Blessing Etamesor, to adopt the Amended Witness Statement on Oath dated the 11th June 2025 and filed 16th June 2025.
 4. AN ORDER deeming all exhibits previously tendered, admitted and marked as Exhibit DA and DA1 through the Plaintiff's sole witness, as properly adopted and remaining part of the record of this Honourable Court upon the adoption of the Amended Witness Statement on Oath dated 11th June 2025 and filed 16th June 2025.
 5. And for such further or other order(s) as this Honourable Court may deem fit to make in the circumstances.
- Granted*
- Not Granted*

GROUND FOR THE APPLICATION

1. The Plaintiff's sole witness commenced her evidence-in-chief before this Honourable Court.

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Date: 6/7/2026

2. In the course of the examination-in-chief, the Witness Statement on Oath dated 20th March 2025 was inadvertently adopted instead of the Amended Witness Statement on Oath dated 11th June 2025 and filed 16th June 2025, which accompanies the Amended Plaint already before the Court.
3. The inadvertent adoption of the earlier Witness Statement on Oath was a genuine mistake of counsel arising from the existence of several amended processes in the Court's file.
4. Present counsel was not the counsel previously handling this matter and only assumed conduct of the case after it commenced de novo.
5. The mistake was discovered upon a subsequent review of the Court's file.
6. The Defendant has not commenced cross-examination of the Plaintiff's witness.
7. Granting this application will occasion no prejudice to the Defendant, who will retain the full opportunity to cross-examine the witness on the Amended Witness Statement on Oath.
8. It is in the interest of substantial justice that the Plaintiff be permitted to adopt the Amended Witness Statement on Oath already filed before this Honourable Court.

Dated this 6th day of July, 2026



Dr. Dayo G. Ashonibare, Esq (Notary Public)
 Ene Ashonibare, Esq
 Simiat Suleiman, Esq
 J.O Ibrahim, Esq

Plaintiff's Counsel

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FOR SERVICE ON:
 The Defendant/Respondent

c/o Habila Turshak, Esq.
Habila Turshak & Co.
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IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DISTRICT
HOLDEN AT ABUJA

SUIT NO: CV/171



BETWEEN:

DR. DATTI BABA AHMED PLAINTIFF

AND

APPLIED IMPACT SOLUTIONS LTD DEFENDANT

AFFIDAVIT IN SUPPORT OF MOTION

I, Ikechukwu Comfort, Female, Christian, Nigerian Citizen and Litigation Secretary in the law firm of Levite Solicitors & Arbitrators, Block 15D, Salis Court, Gwarimpa, Abuja, do hereby make oath and state as follows:

1. That I am the Litigation Secretary in the law firm representing the Plaintiff/Applicant in this suit.
2. That by virtue of my position, I am conversant with the facts of this case and have the authority of my employers to depose to this affidavit.
3. That this suit was commenced by the Plaintiff/Applicant against the Defendant/Respondent, and pleadings have since been amended.
4. That the Plaintiff's sole witness, Blessing Etamegor, testified before this Honourable Court and adopted a Witness Statement on Oath dated 20th March 2025.
5. That the witness has not yet been cross-examined by the Defendant/Respondent.
6. That Simiat Suleiman, Esq., lead counsel in this matter, informed me in our office on the 6th day of July, 2026, and I verily believe him, as follows:
 - i. That the matter was reassigned to the present counsel after it was ordered to commence de novo.

- ii. That she was not the counsel previously handling the matter before it commenced de novo.
- iii. That in preparing for the Plaintiff's evidence, counsel relied on the processes contained in the court's file.
- iv. That there were several amended processes in the court's file, which inadvertently led counsel to have the witness adopt the earlier Witness Statement on Oath dated 20th March 2025 instead of the Amended Witness Statement on Oath dated 11th June 2025 and filed 16th June 2025, which accompanies the Amended Plaint already filed before this Honourable Court.
- v. That the adoption of the earlier Witness Statement on Oath was a genuine and inadvertent mistake of counsel.
- vi. That the mistake was only discovered upon a subsequent review of the court's file after the proceedings of the last adjourned date.
- vii. That the Amended Witness Statement on Oath dated 11th June 2025 and filed 16th June 2025 is already properly filed before this Honourable Court. The said Amended plaint is hereby attached and marked **Exhibit A**.
- viii. That the documents previously tendered, admitted and marked as Exhibit DA and DA1 in evidence through the Plaintiff's witness are the same documents referred to in both the Witness Statement on Oath dated 20th March 2025 and the Amended Witness Statement on Oath dated 11th June 2025 and filed 16th June 2025, and no new documentary evidence is sought to be introduced by this application.
- ix. That the Defendant/Respondent has not commenced cross-examination of the Plaintiff's witness and will suffer no prejudice if this application is granted.
- x. That granting this application will enable the Plaintiff's witness adopt the correct Witness Statement on Oath and assist the Court in determining the real issues in controversy.

xi. That it is in the interest of justice to grant this application, as the mistake complained of arose solely from counsel's inadvertence and ought not to be visited on the Plaintiff/Applicant.

7. That I depose to this affidavit in good faith and in accordance with the Oaths Act.



DEPONENT

This 06th day of July, 2026.

SWORN to at the Registry of the
High Court of the FCT, Abuja.

BEFORE ME

HIGH COURT OF THE FCT, ABUJA
COMMISSIONER FOR OATHS
Muhammad Ali Jibril
Signature: 

06/07/2026

**IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: CV/171/2024

BETWEEN:

DR. DATTI BABA-AHMED

PLAINTIFF

Plot 686, Jabi Airport Road Bypass,
Cadastral Zone,
Abuja AND



AND

APPLIED-IMPACT SOLUTIONS LTD

DEFENDANT

House 6,
No. 3 Water Park Road,
Kado, FCT Abuja

The Registrar

Chief Magistrate Court

Abuja

**AT THE SUIT OF THE PLAINTIFF, THIS PLAINT IS TAKING OUT WITH
THE FOLLOWING** Defendant situate at House 6, No. 3 Water Park Road, Kado,
FCT Abuja within the Jurisdiction of this Honorable court.

1. The Plaintiff is the Landlord and the owner of the 3 Bedroom Duplex with Boys quarters known as House 6, No. 3 Water Park Road, Kado, FCT Abuja currently occupied by the Defendant.
2. The Defendant was a yearly tenant of the plaintiff's afore stated property for a certain term paying the agreed rental value of N 3,500,000.00 (three Million five hundred thousand naira only) per annum.
3. That the Defendant's Tenancy has been determined by effluxion of time since the 31st day of March 2022
4. That since the 1st Day of April, 2022 the defendant has been a tenant at will.
5. That despite several interface and interaction with the Managing Director of the Defendant by the Plaintiff, His brother Umar Baba-Ahmed and Staff that

1|Levite Solicitors & Arbitrators

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3,200
16/6/2022

the said property is needed for personal and urgent use by the Plaintiff. Defendant has refused to vacate possession of the Property.

6. That due to the failure of the Defendant to vacate possession, the Plaintiff served the Defendant with seven (7) days Notice of Owner's Intention to Recover Possession dated the 23rd day of June 2023 and served on the same date. **The Notice is herein pleaded and will be relied on during trial**
7. At the determination of the Notice of Owner's Intention to Recover Possession, the defendant still refuse to vacate possession.
8. The Plaintiff has been seriously disadvantaged by the Defendant staying on the Demised property and his failure to leave after the expiration of his tenancy and all the amicable discussions by the Plaintiff, His brother Baba-Ahmed and Staff.
9. The Plaintiff avers that the defendant has no defence to its claims and it is in doubt any more that unless the intervention of this Honourable Court is invoked, the Plaintiff would continue to suffer hardship, deprivation at the hands of the Defendant.
10. The Plaintiff further avers that if not for the refusal by the Defendant to vacate possession, there would not have been any reason for the Plaintiff to seek redress in Court through employing the services of a legal practitioner for these expenses incurred. The part payment receipt of Legal fees is now pleaded and would be relied upon during the trial of this suit.
11. That unless this Honorable Court intervenes, the Defendant is determined to remain in occupation of the demise apartment in which the Plaintiff needs for urgent personal use.

WHEREOF THE PLAINTIFF CLAIMS AS FOLLOWS:

- a. An order of this Honorable Court ejecting the Defendant from the Premises located at House 6, No. 3 Water Park Road, Kado, FCT and vacate possession to the Plaintiff forthwith.
- b. Mesne profit of N292, 000.00 (Two Hundred and Ninety Two Thousand) only per month running from the 1st day of September, 2022 until possession is Delivered up by the Defendant to the Plaintiff or until possession is delivered.
- c. The cost N1, 000,000.00 (one million naira) only being cost of legal fees for this Suit.
- d. 10% monthly interest on the Judgment sum from the date of judgment until final liquidation of the entire judgment sum.
- e. And any other order(s) as this Honorable court may deem fit to make in the circumstance of this case.

DATED THIS...11.....DAY OF June.....2025.

The address for service, phone numbers and email addresses of the parties is

Plaintiff:
Plot 686, Jabi Airport Road Bypass
Cadastral Zone
Abuja
08050402554
Helic@levitesolicitors.com

Defendant:
House 6,
No. 3 Water Park Road,
Kado, FCT Abuja
08113834780

The Complaint was taken out by Dayo G. Ashonibare, Esq Counsel to the Claimant
Flat 4, Salis Court, Efire Ileogun Street, (Around Jabi Airport Junction) Gwarinpa
II, FCT-Abuja

Dated this 11th day of June 2025



Dayo G. Ashonibare, Esq. of Advocate



R.E. Okwori,
Simiat Sulaiman,
S.F. Wura,
J.O. Ibafemi,
(Plaintiff's Counsel)
Levite Solicitors & Advocates
Flat 4, Salis Court
Efire Ileogun Street
(Around Jabi Airport Junction)
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Abuja
08050402554
levitesolicitors@gmail.com

FOR SERVICE ON

Defendant:

HABILA TURSHAK ESQ.

HABILA TURSHAK & CO.

Defendant Counsel

C/o tapji Leņgs, Esq.

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08039214025/08030872193.

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: CV/111/2025

BETWEEN:

DR. DATTI BABA-AHMED-----PLAINTIFF

AND

APPLIED-IMPACT SOLUTIONS LTD-----DEFENDANT

Plaintiff's List of witness

1. Umar Baba-Ahmed
2. Blessing Etamesor
3. Witness that may be subpoenaed

Dated this 11th day of June, 2025



Dayo G. Ashonibare, Esq.

R.E. Olowu

Simiat Suleiman

S.P. Wolar

J.O. Ibrahim

(Plaintiff's CO. JN)

Levite Solicitors & Associates

Flat 4, 3rd Floor

Efere Ilcoga

(Around Jabi Airport)

Gwarinpa

DC/111/2025

08033661414, 0810041

levite

by

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FOR SERVICE ON

Defendant:-

HABILA TURSHAK ESQ.

HABILA TURSHAK & CO.

Defendant Counsel

C/o Tajji Lengs, Esq.

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**IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: CV/172/2024

BETWEEN:

DR. DATTI BABA-AHMED-----**PLAINTIFF**

AND

APPLIED-IMPACT SOLUTIONS LTD-----**DEFENDANT**

WITNESS STATEMENT ON OATH

I Blessing Etamesor, Female, Nigeria citizen of Plot 686, Jabi Airport Road Bypass, Cadastral Zone, Abuja, do hereby make oath and States as follows:

1. That I am the Plaintiff lawyer and desk officer in charge of all the plaintiff's properties including the property where the defendant is occupying
2. That by virtue of my position, I am familiar with the facts in this suit
3. That facts deposed herein are facts within my personal knowledge and those that I became aware of as a result of my position as the Plaintiff's lawyer and desk staff
4. That I am aware that the defendant is occupying the plaintiff's property at House 6, No 3 Water Park Road, Kado FCT Abuja.
5. That the Defendant took tenancy of the said property at an annual rent of two million, five hundred thousand naira.
6. That the Plaintiff is the Landlord and the owner of the 3 Bedroom Duplex with Boys quarters known as House 6, No. 3 Water Park Road, Kado, FCT Abuja currently occupied by the Defendant.
7. That the yearly rent was later increase by the landlord to N 3,500,000.00 (three Million five hundred thousand naira only) per annum and the defendant was duly informed of this increasement.

8. That the Defendant's Tenancy has been determined by effluxion of time by the 31st day of March, 2022. That since the 1st Day of April, 2022, defendant has been a tenant at will.
9. That despite several interface and interaction with the Managing Director the Defendant by the Plaintiff, His brother Umar Baba-Ahmed and myself the said property is needed for personal and urgent use by the Plaintiff. Defendant has refused to vacate possession of the Property.
10. That due to the failure of the Defendant to vacate possession, the Plaintiff served the Defendant with seven (7) days Notice of Owner's Intention to Recover Possession dated the 23rd day of June 2023 and served on the date. The Notice is herein pleaded and will be relied on during trial.
11. At the determination of the Notice of Owner's Intention to Recover Possession, the defendant still refuse to vacate possession.
12. The Plaintiff has been seriously disadvantaged by the Defendant stay on the Demised property and his failure to leave after the expiration of tenancy and all the amicable discussions by the Plaintiff, His brother Umar Baba-Ahmed and Staff.
13. The defendant has no defence to the Plaintiff's claims and it is no more that unless the intervention of this Honourable Court is invoked, the Plaintiff would continue to suffer hardship, deprivation in the hands of Defendant.
14. That if not for the refusal by the Defendant to vacate possession, there would not have been any reason for the Plaintiff to seek redress in Court, thereby employing the services of a legal practitioner thereby these expenses incurred. **The part payment receipt of Legal Fees is hereby pleaded and will be relied upon during the trial of this suit.**
15. That unless this Honorable Court intervenes, the Defendant is determined to remain in occupation of the demised apartment in which the Plaintiff needs for urgent personal use.
16. That I humbly pray this Honorable Court to grant my claims and relief against the Defendant in this Plaint as follows:
 - a. An order of this Honorable Court ejecting the Defendant from the Premises located at House 6, No. 3 Water Park Road, Kaduna. Granting vacant possession to the Plaintiff Forthwith.
 - b. Mesne profit of N292, 000.00 (Two Hundred and Ninety Two Thousand naira) only per month running from the 1st day of September, 2022 final possession is Delivered up by the Defendant to the Plaintiff. Judgment is delivered.

- c. The cost ~~N1,000,000.00~~ (one million naira) only being cost of legal and this Suit.
 - d. 10% monthly interest on the Judgment sum from the date of judgment, the final liquidation of the entire judgment sum.
 - e. And any other order(s) as this Honorable court may deem fit to make the circumstance of this case
17. That I Make this Statement on Oath Conscientiously in good Faith believe its Content to be true and correct in accordance with the Oath Act, 2004

[Signature]
DEPONENT

Sworn to at the registry of the District Court of FCT.

Dated the 11... Day of June... 2025

HIGH COURT OF FEDERAL ABUJA
BEFORE ME
COMMISSIONER FOR OATH
NKECHI OMEKA
COMMISSIONER FOR OATH

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY /
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: CV/1/2025

BETWEEN:

DR. DATTI BABA-AHMED PLAINIFF

AND

APPLIED-IMPACT SOLUTIONS LTD DEFENDANT

PLAINTIFF'S LIST OF DOCUMENTS

1. Notice to Tenant of owner's intention to recover possession.
2. Receipt of legal fee

Dated this 11th day of June 2025



Dayo G. Ashonibare, Esq. Law Clerk

R.E. Okwori,

Simiat Suleiman,

S.F. Wolford,

A.B. Elamagor

(Plaintiff's Counsel)

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FOR SERVICE ON

10 | Levite Solicitors & Arbitrators

Defendant:

HABILA TURSHAK ESQ.

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Defendant Counsel

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IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DISTRICT
HOLDEN AT ABUJA

SUIT NO: CV/171/2024

BETWEEN:

DR. DATTI BABA AHMED



PLAINTIFF

AND

APPLIED IMPACT SOLUTIONS LTD DEFENDANT

WRITTEN ADDRESS IN SUPPORT OF THE MOTION ON NOTICE

1.0. INTRODUCTION

- 1.1. Your Worship, this application respectfully invites this Honourable Court to exercise its inherent and discretionary jurisdiction in the interest of substantial justice by permitting the Plaintiff/Applicant to reopen the examination-in-chief of his sole witness for the limited purpose of withdrawing the adoption of the Witness Statement on Oath dated 20th March 2025 and adopting the Amended Witness Statement on Oath dated 11th June 2025 and filed 16th June 2025, which is already properly before this Honourable Court.
- 1.2. The inadvertent adoption of the earlier Witness Statement on Oath was occasioned solely by the mistake of counsel. The matter had been assigned to the present counsel after it was ordered to commence de novo, and owing to the existence of several amended processes in the Court's file, counsel mistakenly led the witness to adopt the earlier Witness Statement on Oath instead of the Amended Witness Statement accompanying the Amended Plaintiff.
- 1.3. The error was discovered upon a subsequent review of the Court's file. Significantly, the Defendant/Respondent has not commenced cross-examination of the Plaintiff's witness. The application is therefore made promptly, in good faith and without any intention to overreach the Defendant or delay the proceedings.

2.0. ISSUE FOR DETERMINATION

Whether this Honourable Court ought, in the exercise of its inherent jurisdiction and in the interest of substantial justice, to grant leave to the Plaintiff/Applicant to reopen the examination-in-chief of his sole witness.

3.0. ARGUMENT

- 3.1. It is settled law that every court possesses the inherent jurisdiction to regulate its own proceedings and to make such orders as are necessary to prevent injustice and ensure that substantial justice is done between the parties. While the general rule is that a witness cannot be recalled once discharged, it is a firmly established principle of law that a witness may be recalled in exceptional cases and where it serves the interest of justice. This Honourable Court possesses the judicial discretion to grant such an application based on the unique circumstances of the case. See *Iwoha v Okoroike* (1996) 2 NWLR (PT 429) PG 231; *Tiwani Ltd v C.T.M.B Ltd* (1997) 8 NWLR (PT 515) 140.
- 3.2: The circumstances of the present application clearly warrant the exercise of that discretion. The Amended Witness Statement on Oath sought to be adopted was duly filed before this Honourable Court. The only error was that, due to counsel's inadvertence occasioned by the several amended processes contained in the Court's file, the witness adopted the earlier Witness Statement on Oath dated 20th March 2025.
- 3.3. The application therefore does not seek to introduce fresh evidence or alter the Plaintiff's case. Rather, it merely seeks to regularize the proceedings by allowing the witness adopt the correct deposition already forming part of the Court's record. The law is firmly settled that the mistake or inadvertence of counsel should not, without more, be visited upon an innocent litigant where such mistake can be corrected without occasioning injustice to the opposing party.
- 3.4. Furthermore, the Defendant/Respondent has not commenced cross-examination of the Plaintiff's witness. Consequently, no prejudice whatsoever will be occasioned to the Defendant if this application is granted, as the Defendant will still enjoy the full opportunity to cross-examine the witness on the Amended Witness Statement on Oath.
- 3.5. The Supreme Court in *Omogbe v. Lawani* (1980) 3-4 SC 108 and *Willoughby v. IMB Ltd*, the appellate courts emphasized that courts exist to do substantial justice and should not elevate technicalities above the merits of a dispute where the error complained of can be remedied without prejudice to the adverse party.
- 3.6. In the locus classicus of *Okpe v. Fan Milk & Anor* (2017) 2 NWLR (Pt. 1549) 310, the apex court pontificated that justice is a "three-way traffic" — involving justice to the Claimant, the Defendant, and the Court itself. To deny the Plaintiff the opportunity to adopt the amended Witness Statement on Oath, that is central to his grievance would be a curtailment of his right to conduct his case to the best of his ability. The concept of justice being a tripartite traffic involves justice to all the parties before the court and the court itself. All the parties before the court must be availed ample and sufficient time and space to ventilate their grievances and conduct their cases to the best of their abilities.

3.7. Similarly, in *University of Benin v. K.T. Organisation Ltd* (2007) 14 NWLR (Pt. 1035) 441, the Supreme Court reaffirmed that the paramount consideration in the exercise of judicial discretion is whether granting the application will serve the interest of justice while ensuring that no party suffers any injustice.

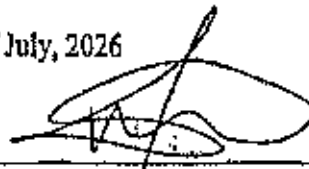
3.8. Your Worship, this application does not seek to reopen the Plaintiff's case for the purpose of introducing fresh documentary evidence. All the documents already tendered and admitted are identical to those referred to in the Amended Witness Statement on Oath. The application merely seeks to regularize the record by substituting the inadvertently adopted deposition with the correct amended deposition already before the Court. Consequently, the Defendant will suffer no prejudice whatsoever.

3.9. The Plaintiff has acted promptly upon discovering the error, the amended deposition is already before the Court, and the Defendant's right to cross-examination remains completely intact. Accordingly, the balance of justice overwhelmingly favours the grant of this application.

4.0 CONCLUSION

In view of the foregoing, we respectfully urge this Honourable Court to exercise its discretion judicially and judiciously by granting this application in the interest of substantial justice.

Dated at this 6th day of July, 2026



Dr. Dayo G. Ashonibare, Esq (Notary Public)

Ene Ashonibare, Esq

Simiat Suleiman, Esq

I.O Ibrahim, Esq

Plaintiff/Applicant's Counsel

Levite Solicitors & Arbitrators

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FOR SERVICE ON:

The Defendant/Respondent

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