

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES
HOLDEN AT ABUJA, NIGERIA**

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Taiwo 09/03/15
AT THE REGISTRY/AU GREFFE/SECRETARIA JUDICIAL
CCJ. ECOWAS/CJC. CEDEAO/JC. CEDEAO
ABUJA NIGERIA

SUIT NO: ECW/CCJ/APP 117/14

BETWEEN

- 1) DOROTHY CHIOMA NJEMANZE
- 2) EDU ENE OROKO
- 3) JUSTINA ETIM
- 4) AMARACHI JESSYFORD

PLAINTIFFS

CTC/CCC/CCO

CERTIFIED TRUE COPY/
CERTIFIE COPIE CONDORME/
CÓPIA CONFORME O ORIGINAL
CHIEF REGISTRAR/GREFFIER EN CHEF/ESCRIVAO CHEFE

AND

FEDERAL REPUBLIC OF NIGERIA.....

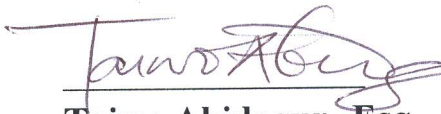
DEFENDANT

**MOTION ON NOTICE BROUGHT PURSUANT TO ARTICLE 36 RULE 2,
ARTICLE 77 RULE 1 OF THE RULES OF THE COMMUNITY COURT OF
JUSTICE ECOWAS AND THE INHERENT JURISDICTION OF THIS
HONOURABLE COURT**

TAKE NOTICE that this Honourable Court shall be moved on day of 2015 at the hour of 9 0'clock in the forenoon or so soon thereafter as the Defendant/Applicants' Counsel may be heard praying the court for the following:

- 1. **AN ORDER** extending the time within which Defendant/Applicant may file a Statement of Defense, and Written Addresses out of time in this matter.
- 2. **AN ORDER** deeming the Respondent/Applicants Statement of Defense and Written Addresses as properly filed and served.
- 3. **AND FOR SUCH FURTHER ORDER(S)** as this Honourable Court may deem fit to make in the circumstance.

Dated 6th of March, 2015


Taiwo Abidogun, Esq

T .A Gazali
U . C Okoli
T .D AGBE
OYIN KOLEOSHO
Chinelo Okoli
Counsel to the Defendant
Civil Litigation & Public Law Department
Federal Ministry of Justice,
Shehu Shagari Way – Abuja.
08037502157; 07030806100

FOR SERVICE:

DR B. A. M. AJIBADE, SAN
MRS . BOLAJI GABARI
MRS. OSAI OJIGHO
GAYE SOWE, ESQ
PLAINTIFF'S COUNSEL
S. P. A. AJIBADE & CO
Suite A312, Garki Mall
Plot 1580, Damaturu Crescent
Off Kabo Street
Garki II, F. C. T, Abuja, Nigeria.
09094819809; 08159794244

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES
HOLDEN AT ABUJA, NIGERIA**



SUIT NO: ECW/CCJ/AP

BETWEEN

<p>1) DOROTHY CHIOMA NJEMANZE 2) EDU ENE OROKO 3) JUSTINA ETIM 4) AMARACHI JESSYFORD</p>	}	<p>PLAINTIFFS</p>
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AND

FEDERAL REPUBLIC OF NIGERIA..... DEFENDANT

**AFFIDAVIT IN SUPPORT OF THE DEFENDANT'S MOTION FOR EXTENSION
OF TIME**

I, BANABAS ONOJA Male, Christian, adult and Nigerian Citizen of the Federal Ministry of Justice, Abuja, do here make oath and state as follows:

1. That I am a Litigation Clerk in the Chambers of the Honourable Attorney – General of the Federation by virtue of which I am conversant with the facts of the case deposed herein.
2. That I have the consent and authority of the Defendant to depose to this affidavit.
3. That I was informed by Taiwo Abidogun, Esq the Counsel in charge of this matter at his office at the Federal Ministry of Justice, on the 20th February, 2015 at 2.00 p.m. and I verily believe him as follows:
 - A. That the Defendant is out of time in filing Statement of Defence, and Written Addresses in this matter.
 - B. That due to the nature of the matter, the Defendant had to liaise with other agencies of government like Abuja Environmental Protection Agency, the Nigerian Army and The Police for the defence of the matter, hence, the delay in filing.

- C. That the leave of this Honourable Court is required to file processes in this matter out of time.
- D. That the failure to file within the time frame statutorily prescribed by the rules of court was not deliberate but inadvertent.

- 4. That it is in the interest of justice and fair hearing to grant this application.
- 5. That the Plaintiff would not be prejudiced by the grant of this application.
- 6. That I depose to this affidavit in good faith believing same to be true and correct in accordance with the Oaths Law.



DEPONENT

SWORN TO AT THE COMMUNITY COURT OF JUSTICE OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

THIS 9TH DAY OF MARCH, 2015

BEFORE ME



COMMISSIONER OF OATHS/
CHARGE DES SERMENTS/
ENCARREGADO DOS JURAMENTOS

CCJ ECOWAS/
CJC CEDEAO/
TJC CEDEAO

COMMISSIONER FOR OATHS

**IN THE COMMUNITY COURT OF JUSTICE
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BETWEEN

<p>1) DOROTHY CHIOMA NJEMANZE 2) EDU ENE OROKO 3) JUSTINA ETIM 4) AMARACHI JESSYFORD</p>	}	<p>PLAINTIFFS</p>
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AND

FEDERAL REPUBLIC OF NIGERIA..... DEFENDANT

**WRITTEN ADDRESS IN SUPPORT OF THE DEFENDANT'S MOTION ON
NOTICE FOR EXTENSION OF TIME WITHIN WHICH TO FILE A DEFENCE
MEMORANDUM OF APPEARANCE, STATEMENT OF DEFENSE AND NOTICE
OF PRELIMINARY OBJECT DATED 20TH DAY OF FEBRUARY, 2015**

1.0 INTRODUCTION

- 1.1 This Written Address is filed in support of the Defendant's Motion for extension of time within which to enter appearance and file their Defence in this matter.
- 1.2 The Motion dated the 20th day of March, 2015 is praying the Honourable Court for an order extending the time within which to file a Memorandum of Appearance Defence and an order deeming the Statement of Defence as properly filed and served and for such further order or other order(s) as the Honourable Court may deem fit to make in the circumstances of the case.

1.3 The Motion is supported by a six-paragraph affidavit deposed to by Banaba Onoja, a Litigation Clerk in the chamber of the Defendant/Applicant and we are relying on all the paragraphs of the affidavit and the depositions therein.

2.0 ARGUMENTS

2.1 We respectfully submit that the depositions in the affidavit in support of this motion clearly explain the reason for the delay in filing the Defendant/Applicants' memorandum of Appearance, Statement of Defense, and Written Address in support within time.

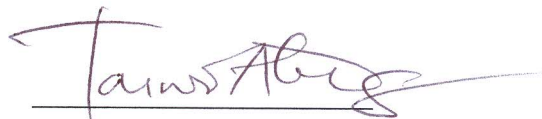
2.2 We further submit that the grant of an application of this nature is at the discretion of the Honourable Court, the exercise of which discretion the law requires must be done judiciously and judicially in the interest of justice. See the NATIONAL INLAND WATERWAYS AUTHORITY VS. SHELL PETROLEUM DEV. COY OF NIGERIA LTD (2008) VOL NSCQR 618 at 623 ratio 6.

2.3 We further contend that it is trite that the inadvertence of counsel should not be visited on his client. We further humbly submit that it would amount to a denial of the fundamental principles of fair hearing to shut out the Defendant/Applicant.

2.4 Finally, we urge this Honourable Court to grant this application in the interest of justice to enable the Defendant/Applicant the opportunity to defend the suit on its merit even as the Plaintiff/Respondent in the matter will not be prejudiced by the grant of same.

We beg to move in terms.

Dated 6th of March, 2015.



+ ✓ **Taiwo Abidogun, Esq**

T .A Gazali

U . C Okoli

T .D AGBE

OYIN KOLEOSHO

Chinelo Okoli

Counsel to the Defendant

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