**IN THE CHIEF MAGISTRATE COURT OF NIGER STATE OF NIGERIA**

**IN THE SULEJA JUDICIAL DIVISION**

**HOLDEN AT MADALLA**

**SUIT NO ……………….**

**BETWEEN**

**MESSRS. KAYQAF INVESTMENT ……………PLAINTIFF/APPLICANT**

**COMPANY LIMITED**

*(Suing through its Attorney Lukman Asinmi, Esq)*

**AND**

**MAL. MUHAMMED SULEIMAN …...……. DEFENDANT/RESPONDENT**

**MOTION EX-PARTE**

**[BROUGHT PURSUANT TO THE NIGER STATE MAGISTRATES COURT [CIVIL PROCEDURE] RULES AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT**

**TAKE NOTICE** that this Honourable Court shall be moved on the .................. day of ................................, 2023 at the hour of 9 0’clock in the forenoon or so soon thereafter as Counsel may be heard on behalf of the Plaintiff/Applicant for the following Orders:

1. **AN ORDER** for substituted service of the Claim and all other subsequent processes in this suit on the Defendant by pasting same on the entrance door of the one-bedroom apartment, situate at Okehi Street, Tudun Nasara, Dakwa, Niger State, the subject matter of this suit.
2. **AND FOR SUCH FURTHER ORDER** or other Orders as this Honourable Court may deem fit to make in the circumstance.

**GROUNDS FOR THIS APPLICATION**

1. The Defendant’s tenancy expired on the 31st day of March 2023 and has failed to renew the tenancy up till date.
2. The Defendant neither vacated the premises not pay rent as appropriate.
3. The Defendant’s whereabout cannot be ascertained as attempts to reach him personally by the Plaintiff’s chairman proved abortive.
4. The Defendant only visits the demised premises very frequently at unknown time and days.
5. Service of the Claim can only be conveniently served on the Defendant by substituted means.

**Dated this 17 day of October, 2023.**

…...………..……….………

……………………. **A.T. Lukman & Co.**

**Asinmi Lukman, Esq**

**(Counsel to the Plaintiff)**

Suit D8, Victory Plaza, No 7, Onitsha Crescent, Off Gimbiya Street, Area 11, Garki, Abuja.

**09021649021**

**IN THE CHIEF MAGISTRATE COURT OF NIGER STATE OF NIGERIA**

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**AND**

**MAL. MUHAMMED SULEIMAN ….……. DEFENDANT/RESPONDENT**

**AFFIDAVIT IN SUPPORT OF MOTION EX-PARTE**

I, Lukman Asinmi, Male, Legal Practitioner, Muslim, Nigerian Citizen of No. Suit D8, Victory Plaza, no 7, Onitsha Crescent, Off Gimbiya Street, Area 11, Garki, Abuja, hereby make Oath and state as follows that:

* 1. I am the legal practitioner handling this suit for the Plaintiff/Applicant.
  2. I have the consent of the Plaintiff/Applicant to depose to this Affidavit
  3. That by virtue of the foregoing depositions, I am conversant with the facts and circumstances of this case and herein depose to facts within my knowledge, except where otherwise stated.

1. The Defendant’s tenancy expired on the 31st day of March 2023 and has failed to renew the tenancy up till date.
2. The Defendant neither vacated the premises not pay rent as appropriate.
3. The Defendant’s whereabout cannot be ascertained as attempts to reach him personally by the Plaintiff’s chairman proved abortive.
4. The Defendant only visits the demised premises very frequently at unknown time and days.
5. Service of the Claim and all other subsequent processes of this court can only be conveniently served on the Defendant by substituted means i.e. pasting same on the entrance door of the one-bedroom apartment, situate at Okehi Street, Tudun Nasara, Dakwa, Niger State, the subject matter of this suit.
6. It has already proven impossible to effect personal service of the Originating Processes on the Defendant.
7. It will be in the interest of Justice for this application to be granted.
8. The Defendants will not be prejudiced by the grant of this application.
9. I depose to this Affidavit in good faith and in accordance with the Oaths Act.

**……………………**

**Deponent**

**Sworn to at**

**The Chief Magistrate Court of Niger State**

**Registry,**

**This ……….. day of October, 2023.**

**BEFORE ME**

**………………………………………**

**COMMISSIONER FOR OATHS**