

**IN THE HIGH COURT OF JUSTICE, EDO STATE OF NIGERIA  
IN THE BENIN JUDICIAL DIVISION, HOLDEN AT BENIN CITY**

**BEFORE**

**HIS LORDSHIP, HON. JUSTICE N.A. IMOUKHUEDE ON MONDAY THE 30TH DAY OF JUNE, 2014**

**B E T W E E N:**

**SUIT NO.: B/645/2001**

1. MR. MICHEAL I. IDUGBOE (DECEASED)
2. MR. EMMANUEL .I. IHAMA
3. MR.DAVID OKUONGHAE (DECEASED)
4. MR. FRIDAY IMARIAEVBO EDEBOR (DECEASED)

CLAIMANTS

**A N D**

1. MR. J. E. IGIEBOR (DECEASED)
2. MR. SAMUEL OSAWE
3. MRS LORENTA OGUNSUYI

DEFENDANTS

**J U D G M E N T**

The Claimants' claim against the Defendants are as follows:

a) A declaration that 4th Claimant is entitled to the statutory right of occupancy in respect of the said land in dispute but the property reverses to the 2nd surviving claimant by the death of the 1st, 3rd and 4th Claimants.

b) An order setting aside the purported sale of the land measuring 50ft x 90ft lying, being, situate at Ihogbe Area within Ward 'I' immediately adjoining House No. 7, Oghenosa Street, Benin City, to one Samuel Osawe on ground of fraud.

c) An Order of delivery up and cancellation of the purported agreement between Amayanvbo (Imariaevbo) Edebor and Samuel Osawe back dated to 5th day of January, 1997 on ground of fraud.

d) An order of setting aside the purported deed of transfer dated 25th April, 2000 between Mr. Samuel Osawe (2nd Defendant) and Mrs. Lorenta Ogunsuyi (3rd Defendant) on ground of nemo dat quod non habet.

e) An order of perpetual injunction restraining the 1st, 2nd and 3rd Defendants by themselves their agents, servants and privies, whosoever form trespassing, building on or in any way interfering with the 4th Claimant's possession and ownership of the piece or parcel of land measuring 50ft x 90ft lying, being, and situate at Ihogbe Area within Ward 'I' immediately adjoining House No. 7, Oghenosa Street, Benin City.

f) Trespass to land N500,000.00

g) General Damages of N900,000.00

This case has suffered a chequered history and was previously heard by Akomolafe- Wilson J as she then was before she was elevated to the Court of Appeal. The case started in 2001 where the claimants called two witnesses and tendered three (3) documents before closing their case, however, on the part of the Defendants they were unable to close their case after eight (8) years having secured several adjournments at their instance for them to defend their case.

On 29th of June, 2012 Counsel for the Claimants then applied under Order 14 Rule 3 (2) of the High Court Civil Procedure Rules of Bendel State (as applicable to Edo State) for the 2nd and 3rd Defendants to be foreclosed and for the Claimants to be given dates to submit their written address. The Defendants were foreclosed by the Court for their failure on their part to conclude their defence and ordered that Written Address be filed.

The case had to be heard De Novo in this court by which time the 1st, 3rd, 4th Claimants and 1st Defendant died. However, the 1st and 4th Claimants had already given their testimony in court before their death.

In proving his case, the only surviving Claimant, 2nd Claimant applied to the A.C.R. for the Certified True Copy (C.T.C) of the testimony of the 1<sup>st</sup> and 4<sup>th</sup> Claimants now deceased. The leave of this Court was sought and obtained to tender the 1st and 4th Claimants testimonies through the only surviving Claimant (2nd Claimant) which was granted.

The Claimant opened his case on the 20th of January, 2014. The 1st Claimant now deceased testified before Akomolafe- Wilson J as she then was on the 14th day of June 2006 that he knew the 2nd Claimant, 3rd Claimant, 4th Claimant, 1st Defendant and 2nd Defendant. That he did not really know the 3rd Defendant but he had seen her about two or three times. 1st Claimant testified that he is the General Secretary of the Ihogbe Royal Family while the 2nd Claimant is the Assistant Secretary. That the 3rd Claimant is an elder of the family while the 4th Claimant is a member of the Ihogbe Royal family. 1st Claimant testified that he knows one Imariaevbo Edobor who is dead. That the 4th Claimant is the only surviving son of the late Imariaevbo Edobor. 1st Claimant testified that he sued the Defendants because the 4th Claimant reported to the family that the 2nd Defendant was trespassing on the land in dispute, a plot adjacent to No. 2, Oghenosa Street, Ihogbe Quarters, Benin City. 1st Claimant testified that the size of the land in dispute is 50ft by 90ft. 1st Claimant testified that the 4th Claimant reported this to them at the family meeting where he is a member and his late father was also a member. He reported that the 2nd Defendant was trespassing and was trying to develop the land. Claimant testified that immediately 2nd Defendant was invited to their family meeting. That the 2nd Defendant came and when he was asked how he came about developing the land, that 2<sup>nd</sup> Defendant informed them that he bought the land from the 1st Defendant. Claimant testified 2nd Defendant produced an agreement that he used in buying the land. A copy of the agreement was then identified by the 1st Claimant. The Agreement dated 5/1/77 and its attachments were admitted as 1D, 'A' and 'A1' respectively before Justice Akomolafe- Wilson.

1st Claimant testified that the family stopped 2nd Defendant from continuing work on the land because the approval attached to that agreement is fake. 1st Claimant testified that the original approval of the land at that time was with the family which was tendered and marked Exhibit

1. Claimant testified that the father of the 4th Claimant while was alive handed Exhibit '1' along with other important documents to the family for safe keeping. That the documents were kept with the Odionwere at that time who was Patrick Okungbowa. 1st Claimant testified that Patrick Okungbowa held the documents until his death in the year 2001. 1st Claimant testified that by their tradition, when he died himself, the Secretary, the Assistant Secretary and some other members of the family went to his house to go and take inventory. That during the course of their inventory taking they saw Exhibit '1' and other documents.

1st Claimant testified that they retrieved the documents and kept them. 1st Claimant testified that they even showed 2nd Defendant the original Approval in their meeting. 1st Claimant testified that the father of the 4th Claimant died around 1991. 1st Claimant testified that in Id A, the person who transferred the land to the 2nd Defendant is the father of the 4<sup>th</sup> Claimant, Mr. Imariavbo Edobor in 1977. 1st Claimant testified that as at 1977 the 4th Claimant's father had already died. 1st Claimant testified that the first burial of late Pa. Imariavbo has been done but the second burial had not been performed. 1st Claimant testified that it is the family that is in possession of the land in dispute till today. 1st Claimant testified that is because by their tradition, the 4th Claimant has no right over the father's property because he has not performed the second burial. 1st Claimant testified that until he does the final burial, 4th Claimant has no right over his father's properties. 1st Claimant testified that that is why they are still in charge of his properties.

1st Claimant testified that they did not authorize anybody to sell or transfer the land in dispute including the 1st Defendant. 1st Claimant testified that the family reported to the Police when they found another person encroaching on the land. 1st Claimant testified that after asking the 2nd Defendant to stay away from the land, the 3rd Defendant started trespassing on the land, so the family reported the matter to the Police. Under cross-examination 1st Claimant stated that he knows the 1st Defendant very well and that he is not a member of the Ihogbe family. That the father of the 4th Claimant died in 1991 and that he did not leave a written Will. 1st Claimant stated that when the 4th Claimant's father died in 1991 he did not apply for Letters of Administration. 1st Claimant stated that it was because of his position in the family that he is administering the land as Secretary General. 1st Claimant denied that he is an interloper. 1st Claimant stated that the 4th Claimant now is around 33 years old. 1st Claimant stated that the 4th Claimant's father inherited the Oba's Approval from his own father. 1st Claimant denied being aware that the 4th Claimant borrowed the sum of N200, 000.00 from the 2nd Defendant.

The 4th Claimant now deceased testified before Akomolafe-Wilson J (as she then was) on the 21st day of June 2006 that he knows the 1<sup>st</sup> Claimant very well. That he is a relation and is the Secretary to his family union, the Ihobge Family. 4th Claimant testified that he knows the 2nd Claimant who is the Assistant Secretary of the Ihobge Family. 4th Claimant testified that he knows the 3rd Claimant who is also his relation. 4th Claimant testified that he was staying with the 3rd Claimant. 4th Claimant testified that he did not know the 1st Defendant before the case and that he did not know the 3rd Defendant. 4th Claimant testified that Imariavbo Edobor was his father. 4th Claimant testified that he sued the Defendants to court because at the death of his father he was living in the village. 4th Claimant testified that he was called by his relations to Benin City. 4th Claimant testified that on getting to Benin, one Mr. Joseph Igiebor, the 1st Defendant promised to lend him some money because he heard about the death of his father. 4th Claimant testified that the 1st Defendant told him that there will be a written document between him and the lender.

4th Claimant testified that the amount was for N20, 000.00 and that a written agreement was prepared between the two of them to sign. 4th Claimant testified that the agreement was for a loan to be paid back. 4th Claimant testified that the 1st Defendant later gave him the N20, 000.00 and he left for the village. 4th Claimant testified that he started working in a bakery. 4th Claimant testified that after sometime, the 2nd Defendant came to his land, the small piece of land at the back yard and uprooted palm trees, toilet and orange trees. 4th Claimant testified that 2nd Defendant came with many people and threatened to kill him. 4th Claimant testified that he then ran to complain to his family members. 4th Claimant testified that he reported to 1st and 2nd Claimants. 4th Claimant testified that his family asked the 2nd Defendant what happened.

4th Claimant testified that the 2nd Defendant informed the family that he bought the land and he paid for it. 4th Claimant testified that the 2nd Defendant did not buy the land from him and that he did not pay for the land. 4th Claimant testified that the 2<sup>nd</sup>/ Defendant also sold the land to another person. 4th Claimant testified that the land which is the subject matter of dispute is behind his house. 4th Claimant testified that his house is at No.7, Oreghene, Ihogbe Quarters, Benin City. 4th Claimant testified that the land is a full plot which includes his house. 4th Claimant testified that he was presently living in the house. 4th Claimant testified that the empty land is in his family's possession and has not been given to him yet. 4th Claimant testified that under Benin tradition, there are some burial rites to be performed by the family before the properties of the deceased can be shared. 4th Claimant testified that he and the family have not yet performed the final burial. 4th Claimant testified that he has not yet performed the final burial because he does not have money. 4th Claimant testified that his father died in 1991 and has been interred. 4th Claimant was shown ID A1 and stated that that was not the document he thumb printed. 4th Claimant testified that what he thumb printed is a small piece of paper and that it is not as wide as 1D, 'A1'.

4th Claimant testified that he has not seen the documents of the land. 4th Claimant testified that it is not true as alleged that the transaction between him and the 2nd Defendant is for sale. 4th Claimant testified that it is not correct as alleged by the 1st Defendant that he sold the land because he was looking for money to bury his father. 4th Claimant denied the averment in paragraph 6 of the Defendants' Statement of Defence that himself and 1st Defendant went to a Letter Writer to write an agreement whereby he sold his house for the sum of N200, 000.00. Under cross examination 4th Claimant admitted that he met the 1st Defendant to discuss a loan and that he did not know what the 1st Defendant does for a living. 4th Claimant agreed that the 1st Defendant gave him N20, 000.00. The 4th Claimant stated that the wife of the 1st Defendant brought the Union meeting paper and the amount of N20, 000.00 was written there. The 4th Claimant stated that the money he signed for is for the sum of N20, 000.00. 4th Claimant denied that he received the amount of N200, 000. The 4th Claimant stated that he did not sign any agreement for N200, 000.00 neither did he receive the amount of N200, 000.00.

2nd Claimant testified before this court and stated that he is the Assistant Secretary and also a principal member of the Ihogbe Royal Family which all the Claimants belonged. 2nd Claimant testified that he knows the 1st, 3rd and 4th Claimants in this case.

2nd Claimant testified that the 1st and 4th Claimants are now dead after they gave evidence in this case before Honourable Justice Akomolafe Wilson. 2nd Claimant testified that he knows the 1st Defendant and that he was informed by his lawyer that death of the 1st Defendant was announced to

the court by one Udaze, a lawyer representing the Defendants before he withdrew subsequently. 2nd Claimant testified that he knows the 2nd Defendant as one of the persons wrongly laying claim to the land in dispute.

2nd Claimant testified that he knows the 3rd Defendant as the one whom the 2nd Defendant wrongly and illegally sold the land in dispute to.

2nd Claimant testified that after the evidence on oath of the 1st and 4th Claimants, they died at different times. 2nd Claimant testified that the 3rd Claimant died in 2012 after the case was adjourned for adoption of final written address. 2nd Claimant testified that the evidence of the 1st and 4th Claimants which is the totality of the evidence of the Claimants have been procured by an application he made through their counsel, T. E. Ogbeide-Ihama & Co, to the ACR, Edo State High Court Judiciary, Benin City which letter was admitted and marked Exhibit A. The Certified True Copy of the evidence of 1st and 4th Claimants was admitted and marked Exhibit B. The 2nd Claimant referred the court to page 2 of Exhibit B which referred to an Oba's Approval. The Oba's Approval referred to as Exhibit J in Exhibit B was admitted and marked Exhibit C. The 2nd Claimant stated that he wishes to adopt the evidence of the 1st and 4th Claimants as his own as they are Joint Claimants and prayed the court to grant their prayers as contained in their Amended Joint Statement of Claim. That was the case for the Claimants.

Counsel to the Claimants then filed a written address and formulated a single issue for determination:

Whether the Claimant has on a preponderance of evidence proved his case entitling him to statutory right of occupancy in respect of the said land in dispute and other sundry claims. Counsel to the Claimants submitted that in a claim for declaration for land title may be established in any of the following five ways:

- 1) By traditional evidence
- 2) By production of documents of title
- 3) By acts of ownership; extending over a sufficient length of time numerous and positive enough to warrant inference of true ownership.
- 4) By acts of long possession and enjoyment
- 5) By proof of possession of connected or adjacent land in circumstances rendering it probable that the owner of such connected or adjacent land would, in addition, be the owner of the land in dispute and relied on the following cases; *Idundun Vs. Okumagba* (1976) 9-11 SC 227; *Ewo Vs. Ani* (2004) 117 LRCN 3271; *Salami & Anor. Vs. Lawal* (2008) 161 LRCN 1 Ratio 4; *Nwokorobia Vs. Nwogu & Ors.* (2009) 172 LRCN 41

Counsel to the Claimants submits that in proof of his legal, subsisting and futuristic rights to the land in dispute the Claimant relied on the traditional evidence of inheritance, production of documents of title to the land in dispute, by acts of long possession and enjoyment and by proof of possession of

connected or adjacent land in circumstances rendering it probable that the owner of such connected or adjacent land would, in addition be the owner of the land in dispute. Counsel to the Claimant submits that Exhibit 'C' being the application for building plot dated 28th February, 1944 was tendered through the only surviving Claimant to show that the land in dispute measuring 50ft by 90ft belonging to the 4th Claimant (deceased) whose father Imariaevbo Edebor died in the year 1991. This was the original copy of the Oba's Approval which the 1st Claimant (deceased) said was given to Ihogbe family for safe-keeping by the 4th Claimant's father – Imariaevbo Edebor.

Counsel to the Claimant submits that that the location and identity of the land were not disputed or controverted.

Counsel to the Claimant submits that the Claimants' evidence was not contradicted or controverted.

Counsel to the Claimants submits that where the testimony of a witness is unchallenged, unshakable and convincing, the court should believe it and referred to the case of SPDCN Vs. Esowe (2008) 51 WRN 154 . Counsel to the Claimants submits that where a Claimant files his Statement of Claim or filed his affidavit in support of an originating summons and the Defendants, refused, failed or neglected to file a Statement of Defence or counter-affidavit, he or she or they will be deemed to have admitted either the Statement of Claim or the affidavit in support, thus leaving the court seized with the matter, with the authority to enter judgment for the Claimant and relies on the case of Inakojo Vs. Adeleke & Ors. 2007 143 LRCN 1. Counsel to the Claimants also refers Court to Order 20 rules 6 and 9 of the High Court of Edo state (Civil Procedure) Rules 2012 and relies on the provisions therein.

Counsel to the Claimants submits that the Claimants have made out a clear case of trespass against the Defendants as proffered in the evidence of 1st Claimant on 14/06/06 and 4th Claimant on 21/06/06 and that this evidence was not controverted by the Defendants.

Counsel to the Claimants submitted that the 4th Claimant gave uncontroverted evidence of 2nd Defendant's various acts of trespass of uprooting palm trees, toilet and orange tree. Counsel to the Claimant urges Court to believe the uncontroverted evidence of the Claimants and grant their Claim. Counsel to the Claimants submits that the Defendants did not give any evidence or call any witness and submits that their Statement of Defence filed before the case started de novo has been abandoned. Counsel to the Claimant urges this Court not to look at it and hold that the scale of evidence tilts in favour of the Claimant.

I have carefully read the evidence led by the Claimants and the written address of their Counsel and I have the following findings to make. At the close of this case the following parties had died; 1<sup>st</sup>, 3rd and 4th Claimants as well as the 1st Defendant. The claim is a declaration to title to land and the cause of action naturally survives the Claimants. Order 13 Rules 28 Edo state High Court (Civil Procedure) Rules 2012 provides for substitution of a deceased Claimant by his legal representative where the cause of action survives him, while order 13 rule 31 also provides for the substitution of a deceased Defendant where the cause of action survives him .The 1st, 3rd and 4th Claimants and 3rd Defendant died before this suit started denovo in this court and the Claimants' Counsel failed or neglected to regularise the processes.

Claimants amended their Joint Statement of Claim on the 19th September, 2013 after this case started de novo and did not deem it necessary to regularise their processes instead indicated clearly on the pleadings that the Claimants except the 2nd Claimants are dead.

The 4th Claimant, the sole surviving son of the deceased owner, after his death ought to be substituted with his legal representative.

The 1st Defendant who sold to the 2nd Defendant had also died. His name was neither removed nor substituted with his legal representative. Counsel to Claimants failed to comply with order 13 Rules 27, 28 and 31 of the Edo state High Court (Civil Procedure) Rules 2012 that is either by substituting the dead parties or applying that their names be struck out from this suit.

The Defendants did not defend the action and the Court is left with the uncontradicted and uncontroverted evidence of the Claimants. In *Durosaro Vs. Ayorinde* (2005) 126 LRCN 1015 the Supreme Court held that:

“It is elementary that where a Defendant fails to give evidence at the trial, his Statement of Defence is deemed abandoned. This is because pleadings by their nature and character cannot speak. They speak through witnesses and as long as a party refuses or fails to call witnesses to articulate their content, they remain dormant process in the court’s file. As a matter of law they are moribund and no court of law is competent to resuscitate”.

Also in Order 20(6) and (9) High Court of Edo state (Civil Procedure) Rules 2012.

6) “In an action for the recovery of land, if the Defendant makes default as mentioned in rule 1, the Claimant may apply for a Judgment that the person whose title is asserted in the writ of summons shall recover possession of the land with costs.

9) In all actions other than those in the preceding rules of this Order, if the Defendant makes default in filing a defence, the Claimant may apply to a Judge for Judgment and such Judgment shall be given upon the Statement of Claim as the Judge shall consider the Claimant to be entitled to”  
*Inakojo Vs. Adeleke & Ors.* 2007 143 LRCN 1 where the court held that:

“If a Plaintiff files his Statement of Claim or as in the instant case, the Plaintiffs filed their affidavit in support of the originating summons and the Defendant or Defendants refused, failed or neglected to file a Statement of Defence or here a counter-affidavit he or they, will be deemed to have admitted either the Statement of Claim or the affidavit in support thus leaving the court seized with the matter, with the authority to pre-emptorily enter Judgment for the Plaintiff or Plaintiffs without either hearing evidence or without the counter-affidavit in a case initiated by an originating summons. See the case of *Oke & 3 Ors. Vs. Aiyedan* (1986) 2 NWLR (Pt. 23) 548. The effect of where a party or parties like the Appellant failed to make use of the opportunity to be heard, he or they, cannot be heard to complain of denial of fair hearing. See also the case of *Ndubuka Vs. Kolomo* (2005) 4 NWLR (Pt. 915) 411 and *Zaboley International Ltd Vs. Omogbehin* (2005) 17 NWLR (Pt. 953) 200 at 233-224 C.A”

From the above cited authorities, I am fully persuaded that this Court may give judgment to the

Claimants due to the failure or neglect of the Defendants to defend their case. The court is then left with the uncontroverted and uncontradicted evidence of the Claimants. I now proceed to the Claimants' Claim.

The Claims against the Defendants are as follows and I will consider each of the claims seriatim.

a) A declaration that 4th Claimant is entitled to the statutory right of occupancy in respect of the said land in dispute but the property reverses to the 2nd surviving claimant by the death of the 1st, 3rd and 4th Claimant.

The evidence led by the Claimants was to the effect that the land in dispute belonged to the late Imarievbo Edebor father to the late 4th Claimant who was his sole surviving son. Evidence was led by the 1st Claimant that because the 4th Claimant had not performed the final burial of his late father the family was holding the property in trust for the 4th Claimant until he performed his father's burial. Nowhere did the Claimants lead evidence or prove that the property reverses to the 2nd surviving Claimant by the death of the 1st, 3rd and 4th Claimants. The evidence before this court is that the 2nd Claimant is a member of the Ihogbe Royal Family and the Assistant Secretary.

The 4th Claimant, the sole surviving son of the deceased owner, after his death ought to be substituted with his legal representative. Is it that the 4th Claimant has no legal representative? It is not for the court to speculate. Order 13 rule 28 however makes the following provisions:

28. If there be two or more Claimants and one of them dies, and if the cause of action shall not survive to the surviving Claimants alone, but shall survive to them and the legal representative of the deceased Claimant jointly, the Court may, on the application of the legal representative of the deceased Claimant, enter the name of such representative in the place of such deceased Claimant, and the suit shall proceed at the instance of the surviving Claimant or Claimants and such legal representative of the deceased Claimant. If no application shall be made to the Court by any person claiming to be the legal representative of the deceased Claimant, the suit shall proceed at the instance of the surviving Claimant or Claimants; and the legal representative of the deceased Claimant shall, after notice to appear has been served on him be presumed to be interested in, and shall be bound by the judgment given in the suit, in the same manner as if the suit had proceeded at his instance jointly with the surviving Claimant or Claimants, unless the Court shall see cause to direct otherwise.'

The above order allows the Court to proceed with judgment and the legal representative of the 4th Claimant shall be bound by the judgment given in this suit.

The second claim is for:

b) An order setting aside the purported sale of the land measuring 50ft x 90ft lying, being, situate at Ihogbe Area within Ward 'I' immediately adjoining House No. 7, Oghenosa Street, Benin City, to one Samuel Osawe on ground of fraud.

The Claimants never tendered the purported sale agreement as an exhibit in this case. If the purported

sale agreement is not an exhibit before this court, the court cannot speculate on its existence or contents and I so hold.

The third claim is for:

c) An Order of delivery up and cancellation of the purported agreement between Amayanvbo (sic. Imariaevbo) Edebor and Samuel Osawe back dated to 5th day of January, 1997 on ground of fraud.

I also find that since the purported agreement was not tendered as an exhibit, I am unable to grant the order sought.

The fourth claim is for an:

d) An order of setting aside the purported deed of transfer dated 25th April, 2000 between Mr. Samuel Osawe (2nd Defendant) and Mrs. Lorenta Ogunsuyi (3rd Defendant) on ground of nemo dat quod non habet.

Similarly the said deed of transfer was never tendered as an exhibit before this court and this Court cannot speculate on its contents nor give an order on a document it has not seen.

The fifth claim is for:

e) An order of perpetual injunction restraining the 1st, 2nd and 3rd Defendants by themselves their agents, servants and privies, whosoever form trespassing, building on or in any way interfering with the 4th Claimant's possession and ownership of the piece or parcel of land measuring 50ft x 90ft lying, being, and situate at Ihogbe Area within Ward 1 immediately adjoining House No. 7, Oghenosa Street, Benin City.

The Claimants proved by their evidence that the 4th Claimant was the owner of the land in dispute and that the Defendants trespassed unto the land. Since the 1st Defendant is dead and is not substituted this Court cannot make an order against him; see the case of Akumaju V Masadolorun 1990 9 NWLR 236 at 242

From the evidence led this court is able to grant the following orders:

a) A declaration that 4th Claimant is entitled to the statutory right of occupancy in respect of the said land in dispute.

b) An order of perpetual injunction restraining the 2nd and 3rd Defendants by themselves their agents, servants and privies, whosoever form trespassing, building on or in any way interfering with the 4th Claimant's possession and ownership of the piece or parcel of land measuring 50ft x 90ft lying, being, and situate at Ihogbe Area within Ward 1 immediately adjoining House No. 7, Oghenosa Street, Benin City.

c) General Damages of N300,000.00 in favour of 2nd Claimant.

T. E Ogbeide- Ihama Esq  
Counsel  
to the Claimants

HON JUSTICE NOGI IMOUKHUEDE  
JUDGE  
30/6/14