

**IN THE HIGH COURT OF JUSTICE, EDO STATE OF NIGERIA
IN THE BENIN JUDICIAL DIVISION, HOLDEN AT BENIN CITY
BEFORE HIS LORDSHIP, HONOURABLE JUSTICE E. F. IKPONMWEN –
CHIEF JUDGE**

THURSDAY, 9TH FEBRUARY, 2017

SUIT NO. B/256/2016

BETWEEN:

- | | | |
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| <ol style="list-style-type: none">1. ENOGIE HENRY ABIFADE OSAWARU
(ENOGIE OF AVBIAKAGBA)2. MR. FREDRICK AIGBEKAEN3. MR. ROLAND O. EGHAREVBA4. MR. FREDRICK IDUOREHIMWEN
(FOR THEMSELVES AND ON BEHALF OF
AVBIAKAGBA/EVBIAKAGBA VILLAGE) | } | í í CLAIMANTS |
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AND

- | | | |
|--|---|----------------|
| <ol style="list-style-type: none">1. IGHODARO JEFFERY ERESE2. UNKNOWN TRESPASSERS/INTERMEDDLERS | } | í í DEFENDANTS |
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JUDGMENT

I have perused the writ of summons filed along with the joint statement of claim on the 22/4/16:

WHEREAS, THE CLAIMANTS claimed against the defendants jointly and severally the following reliefs, to wit:-

õThe claimants are all natives of Avbikagba or Evbikagba Village in Ikpoba-Okha Local Government Area of Edo State of Nigeria, all of Edo/Bini extraction. The 1st claimant is the Enogie/Traditional ruler of the Community, he having been duly recognized and given staff of office by both His Royal Majesty, the Oba of Benin and the Government. The 2nd, 3rd and 4th claimants are elders of the village bringing this action against the defendants for themselves and on behalf of Avbiakagba Community, save any dissident(s), wherein they jointly and severally seek against the defendants jointly and severally as follows:-

1. A declaration of court that the defendants are not natives of Avbiakagba or Evbiakagba Village by birth under Benin native law and custom and are thus not entitled to intermeddle in the customary and developmental affairs of the community either

acting alone or jointly, without the consent, knowledge and authorization of the claimants and all the indigenous people or natives of Avbiakagba/Evbiakagba village, within the jurisdiction of this Honourable Court.

2. A declaration of the court to the effect that by Edo/Bini custom, the defendants not being natives, cannot by force, and/or by self-help constitute themselves into an amorphous and unrecognized body purporting to be acting under the aegis of "Avbiakagba Youth Development Association" wherein the 1st defendant holds out himself as purported chairman of an unregistered and recognized "AVBIAKAGBA YOUTH DEVELOPMENT ASSOCIATION," and co-opting the other defendants as members for the purpose of dealing or intermeddling in the orderly customary management of the affairs of the community, to the annoyance, irritation, embarrassment and derogation of the authority of the claimants and derogatory of the sovereignty of the community to manage its affair under the overlord of the Oba of Benin, whom the 1st Claimant represents as the Enogie of the Community.
3. An order of perpetual injunction restraining the 1st defendant from parading himself as "Chairman of Avbiakagba Youth Development Association" and restraining the co-defendants as members of the purported Association without the consent, knowledge and authorisation of the claimants who are customary leaders of the community.
4. An order of court compelling the defendants to render an account of all such monies that have come into their hands by reason of their intermeddling in the affairs of the community acting under any name or guise without the consent, knowledge and authorisation of the claimants.

And the terms of settlement as filed by the parties herein on 1/2/17:

IT IS AGREED AS FOLLOWS:-

1. That reliefs 1 ó 3 of the claimants statement of claim is granted in terms to wit:

- (a) A declaration of court that the defendants are not natives of Avbiakagba or Evbiakagba Village by birth under Benin native law and custom and are thus not entitled to intermeddle in the customary and developmental affairs of the community either acting alone or jointly, without the consent, knowledge and authorisation of the claimants and all the indigenous people or natives of Avbiakagba/Evbiakagba village, within the jurisdiction of this Honourable Court
- (b) A declaration of the court to the effect that by Edo/Bini custom, the defendants not being natives, cannot by force, and/or by self-help constitute themselves into an amorphous and unrecognized body purporting to be acting under aegis of òAvbiakagba Youth Development Associationö wherein the 1st defendant holds out himself as purported Chairman of an unregistered and recognized òAVBIAKAGBA YOUTH DEVELOPMENT ASSOCIATIONö and c-opting the other defendants as members for the purpose of dealing or intermeddling in the orderly customary management of the affairs of the community, to the annoyance, irritation, embarrassment and derogation of the authority of the claimants and derogatory of the sovereignty of the community to manage its affair under the overlord of the Oba of Benin, whom the 1st Claimant represents as the Enogie of the Community.
- (c) An order of perpetual injunction restraining the 1st defendant from parading himself as òChairman of Avbiakagba Youth Development Associationö and restraining the co-defendants as members of the purported Association without the consent, knowledge and authorisation of the claimants who are customary leaders of the community.
2. Relief No. 4, in the statement of claim is abandoned.
 3. There shall be no orders to cost.
 4. This shall be the judgment of the Court.

Though the unknown trespassers are not before the court, it does appear to me from the terms of settlement that the 1st defendant being the

said Chairman of the body represents them. Consequently, the reliefs 13(a) ó (c) of the claimantsø joint statement of claim as reproduced in the terms of settlement is granted and entered as the judgment of this Honourable Court. Relief 13(d) is ordered struck out.

I make no order as to costs.

Hon. Justice E. F. Ikponmwen
CHIEF JUDGE

COUNSEL:

O. M. Jamgbadi, Esq. Counsel for the Claimantsø
Samson Uwagboe, Esq. Counsel for the 1st Defendant.