IN THE HIGH COURT OF JUSTICE
OF EDO STATE OF NIGERIA
IN THE UROMI JUDICIAL DIVISION
HOLDEN AT UROMI
BEFORE HIS LORDSHIP, HON.JUSTICE P.A.AKHIHIERO,
JUDGE, ON WEDNESDAY THE
13TH DAY OF MAY, 2020.

BETWEEN: SUIT NO: HCU/14/2017

MR. BENEDICT IBOLO OKOEGUALE……...…CLAIMANT

AND

MR. DAVID ISIBOR.…….……DEFENDANT

JUDGMENT

The Claimant claims vide his Further Amended Statement of Claim against the Defendant as follows:

1. ***A declaration of this Honourable Court that the Claimant is the owner in possession of a piece/parcel of land and a pear tree thereon measuring approximately 220 feet by 200 feet, lying, situate and being at Ikeke-Ogo quarters in Idumu-Ague village, Efandion, Uromi an area within the jurisdiction of this Honourable Court;***
2. ***The sum of N5,000,000.00 (five million naira) only being general damages for acts of incursion by the defendants into the said piece of land etc.;***
3. ***A perpetual injunction restraining the defendant, his agents, servants, privies and/or workmen from further acts of trespass into the said parcel of land now in dispute.***

Upon receipt of the Claimant's Claim, the Defendant counter-claimed against the Claimant as follows:

(i) A declaration that the defendant is the proper person entitled to apply for and be granted statutory rights of occupancy in respect of all that piece/parcel of land measuring approximately 3176.7829

Square Metres delineated and demarcated in Litigation Survey Plan No. SNL/LID/ED006/2018 of 21st day of September 2018, lying and situate at Idumu-Ague, Efandion, an area within the jurisdiction of this Honourable Court.

(ii) The sum of ₦500,000.00 (five hundred thousand naira) being general damages for trespass by the claimant unto the said piece/parcel of land.

(iii) A perpetual injunction restraining the claimant, his agents, servants or privies from further encroaching into the said piece/parcel of land.

At the trial, the Claimant testified and called two witnesses: Pius Igene and William Ekpu who testified as CW1 and CW2 respectively. On his part, the Defendant/Counter-Claimant testified and called four witnesses; Roseline Iseghohi, Joseph Isibor, Friday Okouromi and Sylvester O. Isidahomen who testified as DW1, DW2, DW3 and DW4 respectively.

In his evidence, the Claimant adopted his Statement on Oath and tendered Exhibits "A" to "D" in proof of his case to wit: the document containing the receipt of payment for the land bought on the 3rdof March, 1965; Deed of transfer dated 20th day of October 1967; Deed of transfer dated 8th day of June 1966; Deed of Transfer dated the14th day of December 1968; the Letter of Attestation dated 20th of February 2017 by the elders of Idumu-Ague and Letter of Trespass unto the Land by the defendant dated 24th day of November 2014.

In his evidence, the Claimant stated that he inherited the land in dispute after performing the second burial ceremony of his late Father Pa Andrew Ijogbe Okoeguale, who died sometime in August 2013. That he is the owner of a large parcel/piece of land which includes the land in dispute.

That his late father bought the said parcels of land in 1966, 1967 and 1968 and thereafter planted some economic crops on the land like avocado pear trees.

That when some of his children became old enough to build their houses, his late father gave each of them a part of the land to build their houses and they eventually erected their residential buildings having a common boundary with the land in dispute.

He said that his father retained a part of the land measuring 200ft by 220ft for farming purposes. That his father planted avocado pear trees since 1969 and the pear trees started bearing fruits from 1978 and they have been harvesting the fruits ever since.

He stated that Idumu-Ague community deforested the said land which originally formed part of Ikeke-Ogo over one hundred and fifty years ago and he has been in charge of the management and control of the land since he inherited it.

The Claimant said that sometime in 2014, the defendant started to trespass into his land without his consent, approval and authority. That he started to bring in blocks to erect a fence on the land.

One Pa Pius Igene from Idumu-Ague quarter Efandion testified for the Claimant as the C.W 1. He said that he has known the land for almost seventy years. That the Claimant's father bought it in June 1966 from one late Pa Agbai Imonlamhene in his presence although he did not sign as a witness. That the Claimant's father also bought another land in December, 1968 from one Mr.James Izebu now late and the deed was also executed in his presence. That the Claimant's father farmed on the land until he died.

Under cross examination the C.W 1 stated that the land was owned by one Itemezi from Idumu-Ague Efandion, Uromi. That one Ayegbeni was the first son of Pa Itemezi. That when Pa Itemezi died, Ayegbeni performed all the burial rites and inherited his property. That one Mrs. Edo Ogbidi was the daughter of Ayegbeni. That the land shares a common boundary with Itemezi's land. That Andrew Okoeguale bought lands from James Izebu and one Agbai.

He said that Pa Itemezi has relations who are still there. That the defendant's father is a grandson of Ayegbeni.

One William Ekpu testified as the C.W 2. He said that he lives opposite the land in dispute. He also stated that the Claimant's father bought the lands from Pa Agbai Imonlamhene and Mr.James Izebu and farmed on it.

While describing the land, he stated that there is a valley on one side of the land and that there is a land belonging to one Okoeguale on the other side. That the land in dispute is in Oghomenre also known as Ikeke-Ogo, Idumu-Ague, Efandion, Uromi. He said that the CW1 did not lie when he said that the land belonged to Pa Itemezi. That Pa Itemezi's father was a relation to Ayegbeni and Anegbe who sold the land to Andrew Okoeguale the Claimant's father. Later he stated that the people that Anegbe gave land to were the ones who sold to the Claimant's father.

In his defence, the Defendant called one Mrs. Roseline Iseghohi as the D.W.1. She said that she does not know the measurement of the land in dispute but that she has a common boundary with the land. That she bought her land measuring 100ft by 50ft from one Mr. George Okhueleigbe but had no entrance to her land when she bought it. That the Defendant later gave her a right of way to her land measuring 20 feet wide. She stated that when the Claimant's father was alive, he never challenged the Defendant over the land in dispute. That since she started to share boundary with the land, the Claimant did not challenge the Defendant. She asserted that the land in dispute belongs to the Defendant and not the Claimant.

Next, one Joseph Isibor testified as D.W 2. He said that he is a native of Idumu Okojie quarters Uromi. That the defendant is the owner of the land in dispute measuring approximately 3176.7829 square metres lying and situate at Idumu-Uwangue, Efandion, Uromi, properly delineated and demarcated in Litigation Survey Plan No. SNL/LID/EDO06/2018 of 21st September 2018.That immediately the defendant inherited the land in dispute in 1988, he appointed him as the caretaker and he was farming on it until sometime in 2005 when he gave it out to one Pius Ayemon to be farming on it at the instance of the defendant. That Pius Ayemon farmed on the land in dispute by planting cassava and yams and was in possession of same until sometime in 2015 when he became sick and could no longer continue farming on the disputed land.

D.W. 2 said that while Pius Ayemon was farming on the land in dispute, the claimant's father was still alive but did not challenge him. That after Pius Ayemon vacated the land in dispute, the defendant instructed him to uproot the avocado and mango trees therein to enable him fence same to ward off likely trespassers. That he contacted one Friday Okoromi to uproot the aforementioned trees which he did before the defendant erected a dwarf fence on the land to demarcate it. That the

said Friday Okoromi later approached the defendant to allow him to be farming on the disputed land and the defendant granted him permission and Friday Okoromi commenced farming on the land in dispute from June 2015 till date.

That sometime in March 2017 Friday Okoromi informed the defendant that the claimant challenged him and damaged his crops and the defendant instructed him to arrest the claimant in the event of further damage to his crops. That since March 2017 till date, Friday Okoromi has been farming on the land in dispute without challenge from anybody including the claimant.

The witness stated that neither the defendant's father nor his predecessors in title ever transferred ownership of the land in dispute or any part thereof to the claimant's father or other persons who purportedly sold to the claimant's father. He maintained that the land in dispute belongs to the defendant.

Next, the Defendant testified. He stated that he is the owner of the land in dispute measuring approximately 3176.7829 square metres lying and situate at Idumu-Uwangue, Efandion, Uromi. That immediately he inherited the land in dispute in 1988, he appointed the D.W 2 to be the caretaker of the land and he was farming on it until sometime in 2005 when he gave it out to Pius Ayemon to be farming on it with his permission. That Pius Ayemon farmed on the land in dispute by planting cassava and yams and was in possession of same until sometime in 2015 when he became sick and could no longer continue farming on the disputed land. His evidence of the history of the land is similar to that of the D.W.1 and 2.

He stated that the identity, features and boundaries of the land in dispute are well captured in the Litigation Survey Plan No: SNL/LID/ED006/2018.

Under cross examination the Defendant stated that originally the land in dispute was 200 feet by 220 feet but some years ago the DW.1 asked him to give

her access to her land and he gave her 20ft x 200ft. Thus leaving him with 200ft x 200ft.

The Defendant stated that he is from Idumu Okojie quarters in Uromi. That many years ago, his grandfather by name Isibor Okojie had a mother by name Mrs. Edo Okojie. That her father gave her the land in dispute and she gave the land to her son Isibor Okojie, his grandfather. That his grandfather farmed on the land for many years and when his grandfather died, his father Benard Isibor inherited the land. That when his father died in 1988 he being the eldest son, inherited the land. He stated that Mrs. Edo Okojie was the eldest daughter of late Pa Itemezi who gave the land to his great grandmother while he was alive.

He said that on the left hand side of the land is the Claimant's land, on the right is the D.W.1, in the front there is an access road and Francis Iseghohimen and at the back there is Victory Hospital.

The DW3 was Friday Okoromi. He told the Court that he has been farming on the land in dispute for about fifteen years. He enumerated the crops on the land in dispute and maintained that the land in dispute is about 200ft by 200ft.

The DW4 was Surveyor Isidahomen O. Sylvester. He adopted his Statement on Oath and a copy of a litigation survey plan was tendered through him as Exhibit "G". He told the Court that there are no buildings inside the disputed land but that there are buildings surrounding the land in dispute. He maintained that there was no cassava when he carried out the litigation survey on the land in dispute but that there are cassavas plants on the adjacent land which he indicated in the survey plan.

Upon the conclusion of the evidence, learned counsels filed their Written Addresses and adopted same on the date fixed for final addresses.

In his Written Address, the learned counsel for the Defendant, ***Dr. P.E.Ayewoh-Odiase*** formulated a sole issue for determination as follows:

"WHO AS BETWEEN BOTH PARTIES HAS ESTABLISHED A BETTER TITLE TO THE LAND IN DISPUTE ENTITLING HIM TO THE JUDGMENT OF THIS HONOURABLE COURT?"

Arguing the sole issue for determination, the learned counsel for the Defendant submitted that the Defendant/ Counter-Claimant has established his case through credible, cogent and convincing evidence. He further submitted that the defendant traced his root of title to Pa Itemezi who deforested the land in dispute. That he also traced the history of the land in dispute to the various stages of devolution from Itemezi to Madam Edo, to Pa Isibor Okojie, to Pa Isibor Okojie Abuya and finally to the defendant.

He submitted that this evidence of traditional history represents an unbroken chain of succession in line with judicial authorities. See the case of ***Ayanwale V Odusami (2012) Vol. 204 LRCN Page 198 at Page 212fp.***

He further submitted that apart from the evidence of traditional history, the defendant also led evidence of long possession and enjoyment of the land in dispute. He said that the DW2 told the Court that he was accompanying his father to farm on the land in dispute. He submitted that acts of long possession is one of the five ways of proving title to land in Nigeria and cited the case of ***Morenikeji V Adegbosin (2003) 8 NWLR (Pt 823) 612 at 615.***

Counsel submitted that the evidence of deforestation of the land in dispute by the defendant's forebear was corroborated by the CW1 who told the Court that it was Itemezi who deforested the land in dispute. He submitted that the evidence of corroboration of the deforestation of the land in dispute by the defendant's forebear by the CW1 consolidates the defendant's title to the land in dispute.

He said that the CW1 also told the Court under cross-examination that Itemezi's relations are still in possession of the land deforested by Itemezi till date.

He submitted that where exclusive possession has been established by the defendant, his witnesses and the CW1 in respect of the land in dispute, the law is trite that there cannot be concurrent possession.

He submitted that the defendant has also established the identity of the land in dispute with utmost certainty in line with the decision of the apex Court in the case of ***Udenze Nwosu (2007) 50 WRN, Page 71 at Pp. 107- 108 lines. 40 – 5.***

He submitted that the defendant relied on a Litigation Survey Plan which supports his oral testimony in respect of the identity of the land in dispute. On the relationship between oral and documentary evidence, he referred to the case of ***Bunge V Governor of Rivers State (2006) 10 M.J.S.C, Page 136 at P. 184 Paras. D.***

He further submitted that the defendant called and relied on the evidence of a boundary neighbour, the DW1 whose land was equally captured in the defendant's Litigation Survey Plan. On the importance of the evidence of a boundary neighbour he cited the case of ***Shoshal Gambo V Zindul Turdam (1992) 6 NWLR (Pt 300) 500 at 505.***

He said that the defendant also relied on the evidence of the DW3 who has been farming on the land in dispute. That the claimant under cross examination admitted that somebody is farming on the land in dispute at the instance of the defendant. On whether a person can be in possession of land through a third party, counsel cited the case of ***Adewole V Dada (2003) 104 LRCN page 1 at 4.***

He further submitted that the acknowledgement of the defendant's agent, (the DW3) by the claimant on the land in dispute, amounts to admission of the defendant's exclusive possession of the land in dispute. On whether admitted facts need further proof he cited the case of ***Olosun V Ayanrinola (2009) 16 WRN page 113 at P. 125 lines 25 – 30.***

Learned counsel submitted that the defendant's evidence of deforestation, possession and ownership of the land in dispute was supported by the evidence of the CW1. That the law is trite that although the claimant or counter-claimant must not rely on the weakness of the defence, where such evidence supports his case, he can utilize it to his full advantage. See the case of ***Adewumi V Odukwe (2005) 4 FWLR Part 282 Page 2099 at Pp. 2188 – 2119 Paras. H – F.***

He submitted that the evidence of the defendant is not only unchallenged and uncontroverted, but credible. On the effect of unchallenged evidence, he cited the case of ***Abiola V Olawoye (2007) 39 WRN Page 177 at Pp. 197-198 lines 45 – 10.***

Learned counsel submitted that the defendant has established that the claimant forcibly entered the land in dispute sometime in March 2015 and in the process, damaged the DW3's crops on the land in dispute. He further submitted that the defendant has suffered from the wrongful act of the claimant and to that extent, he is entitled to the award of general damages. On meaning and essence of general damages he referred to the case of ***Osun State Government V Dalami Nigeria Limited (2003) 7 NWLR (Pt 818) 72 at P. 100 Paras. E.***

On the part of the claimant, he submitted that his ownership claim to the land in dispute remains unsubstantiated, spurious and gold digging. He maintained that the claimant led incredible and irreconcilable evidence in proof of his claim before this Honourable Court.

He submitted that while the claimant told the Court in his evidence in chief and under cross-examination that the land in dispute was deforested by Idumu-Ague Community, the CW1 however maintained that the land in dispute was

deforested by the defendant's forebear, Pa Itemezi. He submitted that this amounts to a material contradiction.

Again, he maintained that the claimant further contradicted himself when having earlier told the court that the land in dispute was deforested by Idumu-Ague Community of Efandion, under cross-examination he stated that he does not know whether Pa Itemezi deforested a vast expanse of land, part of which is now in dispute. On the effect of material contradiction, he cited the case of ***Akande V Oyewole (2003) 11 NWLR (Pt 831) 343 at 350-351.***

Furthermore, he submitted that by the Claimant's admission that under Esan Native Law and Custom of Efandion Uromi, whoever deforested the land is the owner of such land ridicules his claim to the land in dispute. He said that since the defendant and the CW1 testified that the land in dispute was deforested by the defendant's forebear Itemezi, it is clear that the land rightly belongs to the defendant. On the import of admission he cited the case of ***Eigbe V Nigerian Union of Teachers (2008) 24 WRN Page 110 at Pp. 128 – 129 lines. 40 – 10.***

Learned counsel submitted that the Claimant has failed to establish any nexus between the Efandion Communal interest on the land in dispute which he maintained was originally owned by the Idumu-Ague Community of Efandion Uromi and his documents of title, Exhibits "A" to "D".

According to him, paragraphs 7, 8, 9 and 10 of the Claimant's Statement on Oath cannot be reconciled with paragraph 5 thereof to establish any link between Idumu-Ague Community and his title documents which according to him are in respect of the land in dispute.

He submitted that a perusal of paragraphs 8 -10 of the claimant's statement on oath, his pleadings as well as Exhibits "A" to "D", reveal that the names of the alleged transferors in the said documents, are individual members of the society as against any communal interest or link. He said that this lacuna has rendered the traditional history of the claimant inconclusive and unsupportable.

He referred to the case of ***Thomson V Arowolo (2003), 7 NWLR (Pt 818) 163 at P. 205, paras. (C – E),*** where the Supreme Court held as follows:

> ***"A party who relies on traditional history in a claim for title to land must aver facts on how the land devolved on him. In the instant case, the respondent averred that his great grandfather first settled on a vast land which include the land in dispute and that on the death of his great grandfather, his five sons succeeded him: The respondent however did not plead any link between the present generation of his great grandfather's family whom he represents and his grandfather. In the circumstance, the respondent's pleading is fundamentally defective".***

He further submitted that in the case of ***Iroagbara V Ufomadu (2009) 30 WRN Page 1 at P. 16 lines 10 – 15,*** the Supreme Court stated thus:

> ***"The law is sacrosanct that where title to land is said to have been derived by grant or inheritance, the pleadings must aver facts relating to the founding of the land in dispute, the persons who founded the land and exercised original acts of possession and persons on whom title in respect of the land has devolved since the first founding".***

Learned counsel submitted that there is a missing link from the claimant's story relating to the issue of transfer of communal interest to the alleged vendors and this he submitted, makes the case of the claimant unworthy of any belief and therefore unreliable. On the meaning of incredible evidence, he cited the case of ***Irawo-Osan V Folarin (2008) 49 WRN Page 127 at P.150 lines 5 – 10*** and on the duty of a party to be consistent in presenting his case, he cited the case of ***Yusuf V Adegoke (2008) 40 WRN Page 1 at P. 46 lines 40 – 45.***

Learned counsel submitted that since Exhibit "A" to "D" have no logical bearing with the claimant's case, particularly paragraph 5 of his Statement on Oath which ascribes original ownership of the land in dispute to Idumu-Ague Community without any evidence of devolution on the persons mentioned in Exhibits "A" to "D" thereof. He said that the said documents lack evidential value and relevance, same being of dubious origin. For this view, he cited the case of ***Trade Bank PLC V Dele Morenikeji (Nig. Ltd. (2005) 6 NWLR (Pt 921) 309 at 315;*** and ***Mohammed V Abdulkadir (2007) 43 WRN Page 58 at P. 104 liens 20 – 30.***

He submitted that the CW2 who claims to reside opposite the land in dispute, is not a witness of truth. He further submitted that the evidence of the Claimant and the Defendant including the litigation survey plan has disproved the CW2's assertion that he lives opposite the land in dispute.

He submitted that while the CW1 told the Court that there are buildings on the land in dispute, the evidence of the claimant and the defendant as well as the litigation survey plan, reveal otherwise. Furthermore, that while the CW2 told the Court under cross-examination that it is not the defendant who gave permission to persons to farm on the land in dispute, the evidence of the claimant, reveals otherwise. That while the CW2 told the Court under cross-examination that there is no farm on the land in dispute, the evidence of the claimant, revealed otherwise.

Again, he submitted that the evidence of the CW1 under cross examination has completely damaged the claimant's case beyond redemption as a result of

contradictions and inconsistency. On the role of cross-examination, in the truth searching process, he cited the case of ***Buhari V Independent National Electoral Commission (2009) 7 WRN Page 1 at Pp. 176 – 179 lines. 45 – 5.***

He submitted that where the evidence of a party has been so discredited and weakened during cross-examination, the entire evidence of that party, should be treated with a pinch of salt. See the case of ***Fatoba V Ogundahunsi (2003) 14 NWLR (Pt 840) 232 at Pp. 347 Para.***

He said that the claimant who is contesting ownership of the land in dispute could not call a single boundary neighbour or any other person including family members of his father's vendors, to corroborate, his ownership claim. On effect of failure to call evidence he cited the case of ***Alechenu V Oshoke (2002) FWLR (Pt 85) 281 at 284.***

He submitted that when the claimant's case is put alongside the defendant's case on the imaginary scale of justice, the defendant's case will far outweigh that of the claimant. On how to determine the preponderance of evidence he referred to the case of ***Idoghor V Okagbare (2015) 11 WRN Page 55 Pp. 83 – 85 lines 25 – 15.***

He therefore submitted that from the totality of the evidence before the Court, the defendant has led more credible evidence and the only issue for determination should be resolved in favour of the defendant/counter-claimant.

In his Written Address, the learned counsel for the Claimant, ***D.O.Okojie Esq.*** formulated two issues for determination as follows:

1. ***Whether the claimant has proved his case on the preponderance of evidence or balance of probability; and***
2. ***Whether the claimant is entitled to the Relief sought.***

Opening his arguments, the learned counsel submitted that the general rule is that he who asserts must prove his claim, see the case of ***WEST AFRICAN CHEMICAL CO. LTD. VS CAROLINE POULTRY FARMS NIG. LTD (2000) 644 NWLR 197 at 204.*** He submitted that the burden is on the claimant to satisfy the Court that he is entitled on the evidence adduced by him, to the declaration which he is seeking. That the claimant must rely on the strength of his case and not

to take advantage of the loophole of the defendant. See the case of ***OYENEYIN Vs AKINKUGBE (2010) 4NWLR (Part 1184) 265 at 295.***

He said that it is now settled law that the five ways of proving ownership of land are as follows:

1. By Traditional evidence
2. By the production of documents of title
3. By proving acts of ownership
4. By Proof of possession of connected or adjacent land in circumstances rendering it probable that the owner of the Land in dispute and
5. By acts of long possession and enjoyment of the land. See ***Idundun vs Okumagba 1976 9 – 10 S.C 227.***

Thereafter, the learned counsel articulated his arguments on the two issues for determination.

ISSUE 1

Whether the Claimant has proved his case on the Preponderance of Evidence or Balance of Probability.

On this issue, he submitted that the Claimant has proved his case on the preponderance of evidence or balance of probability. He posited that the Claimant has always maintained and proved that his title to the land in dispute was through exhibits "A" to "D" in proof of ownership. Also that paragraphs 3 to 15 of his statement of claim showed how his father farmed on the land in dispute being part of the vast land which he acquired wherein he also shared some part to his three children, namely Peter Okoeguale, Eromonsele Okoeguale and Oseyomon Okoeguale and they built their residential buildings about 25 years ago without any dispute. That it was remaining the disputed portion which he reserved for farming until he died in August 2013.

Counsel further submitted that the claimant led evidence of long possession and enjoyment of the land in dispute from 1966 till when his father died in August 2013. He pointed out that the defendant did not tell this Honourable Court when exactly his maternal great grandfather gave the land in dispute to Mrs. Edo Okojie and when exactly Mrs. Edo Okojie died and transferred the land to his grandfather Pa. Isibor who died in 1971 and when his biological father took over.

He further submitted that the Claimant is the owner of the land in dispute. He wondered how the Claimant can be said to have forcefully entered a land that belongs to him. He submitted that this aspect of the claimant entering into the land in dispute in March 2015, and in the process damaged the D.W.3's crops on the land in dispute is an unsubstantiated allegation. He questioned where the case was reported and why the Claimant was not charged with malicious damage. He also asked of the particular crops that were destroyed. He alleged that the Defendant is a gold digger.

He submitted that the Defendant's claim of ownership is dubious, spurious, damaging and unsubstantiated. That there is no link between when his maternal great grandmother gave the land to his grandfather Pa. Isibor who died in 1971 (sic). He said that the defendant said that he did not know his maternal grandmother and his great grandfather and that he was told that Itemezi deforested the land in dispute. He said that all he told the Court are hearsay.

Learned counsel submitted that as at the time the claimant's father bought the lands in 1966, 1967 and 1968 individuals had started to own lands. He said that when the Defendant knew that he cannot lay claim to the said land through his biological father that is from the royal family of Ewoyi, he went through his maternal great grandmother knowing fully well that women as at the time in question did not own land.

He posited that the defendant entered into the Claimant's land sometime in 2014 because of the long absence of the Claimant's family. He said that after his father's death, the claimant left for Lagos and since his siblings are all abroad, the defendant took advantage and entered the land. He maintained that the Defendant does not own any land at Ikeke-Ogo, Idumu-Ague Efandion. That they started formulating and tracing the traditional history of the land, through Itemezi's family which they don't belong to.

Counsel submitted that the Claimant has met the acceptable standard required by law as follows, to entitle him to judgment:

(i) The Claimant through his evidence has identified the land and its extent;

(ii) Claimant also proved his claim through exhibits "A" to "D" from his documentary evidence;

(iii) Claimant also led evidence to show long and active possession, enjoyment and use of the land by his late father Pa. Andrew Okoeguale unchallenged until he died in August 2013. See also ***Ishola Vs Abake 1972 SSC 321 at 329 – 330***

He submitted that the Claimant established acts of long possession and acts of ownership extending over a sufficient length of time. See section 35 of the Evidence Act of 2011. He said that the Claimant also established the contiguity of the land in dispute to a parcel of land owned by him. See ***OTUOYE Vs UGWUBOR (2011) 12 WRN 86 CA ABE Vs AKAAJIME (1989) 4 NWLR PART 113 PAGE 35.***

Finally, he urged the Court to thoroughly evaluate the evidence before arriving at its finding, particularly on the issue of whether or not the Claimant is entitled to the Judgment of this Honourable Court and deliver same accordingly.

The learned counsels for the parties addressed this Court and soon after the matter was adjourned for judgment, the Covid 19 Pandemic resulted in the indefinite shutting down of courts across the nation. Consequently, this Court was unable to deliver its judgment within the period of ninety days as stipulated by Section 294(1) of the 1999 Nigerian Constitution.

However by virtue of Section 294 (5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), the judgment of a Court cannot be set aside solely on the ground that it was delivered outside the ninety (90) days period after final addresses unless the party complaining has suffered a miscarriage of justice. See ***N.B.C vs. Okwejimino (1998) 8 NWLR Pt 561 Page 295 at 305 paragraphs B-G; Ogundele vs. Fasu (1999) 9 SCNJ Page 105 at 112 Paragraphs 10-30; and MR. S.C. OKAFOR v. SPRING WATER NIGERIA (SWAN) LIMITED (2014) LPELR-24147(CA).***

Consequently, for the aforesaid reasons and pursuant to the provisions of Section 294 (5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), this judgment is being delivered after the expiration of the period of ninety days.

I have carefully considered all the processes filed in this suit, together with the evidence led, the exhibits admitted in the course of the hearing and the addresses of the respective Counsels to the parties.

Upon a careful examination of the Issues formulated by learned counsel for the parties, I observed that the Defendant also filed a Counter-Claim in this suit. So in essence, there are two Claims before the Court. In the event I am of the view that the issues to be resolved in this suit are as follows:

1. ***Whether the Claimant has established his claims in this suit?; and***
2. ***Whether the Defendant/Counter-Claimant has established his claims in this suit?***

I will now proceed to resolve the two issues.

ISSUE 1:

Whether the Claimant has established his claims in this suit?

In a claim for a declaration of title to land, the burden is on the Claimant to satisfy the Court that he is entitled, on the evidence adduced by him, to the declaration which he seeks.

The Claimant must rely on the strength of his own case and not on the weakness of the defendant's case. See: ***Ojo vs. Azam (2001) 4 NWLR (Pt.702) 57 at 71; and Oyeneyin vs. Akinkugbe (2010) 4 NWLR (Pt.1184) 265 at 295***.

It is now settled law that there are five ways of proving ownership of land. These are as follows:

I. By traditional evidence;
II. By the production of documents of title;
III. By proving acts of ownership;
IV. 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
V. By acts of long possession and enjoyment of the land.

See: ***Idundun vs. Okumagba (1976) 9-10 S.C. 227***.

The point must be made that any one of the five means will be sufficient to prove title to the land as each is independent of the other. See: ***Nwosu vs. Udeaja (1990) 1 NWLR (Pt.125) 188; and Anabaronye & Ors. vs. Nwakaihe (1997) 1 NWLR (Pt.482) 374 at 385.***

In the instant suit, from the evidence led, the Claimant appears to be relying on all the five means of proof of title to land.

On proof by evidence of the traditional history of the land, the Claimant traced the traditional history of the land from the time when the Idumu-Ague community deforested the land over one hundred and fifty years ago. He said that his late father bought the said parcel of lands sometime in 1966, 1967 and 1968 and started farming on the land. That subsequently, his late father gave some portions of the land to some of his children to enable them erect their buildings on the lands. The Claimant alleged that upon his father's demise, he inherited the land in dispute after performing the 2nd burial ceremony according to Esan Native Law and Custom applicable in Uromi.

The issue is whether this evidence of traditional history is viable enough to sustain the Claimant's case.

On his part, the Defendant gave evidence of the traditional history of the land tracing the origin from when one Pa Itemezi allegedly deforested the land in dispute. He also traced the history of the land from Pa. Itemezi to Madam Edo, to Pa Isibor Okojie, to Pa Isibor Okojie Abuya and finally to the defendant.

Thus when the evidence of traditional history of the parties is juxtaposed together, it is evident that there is a sharp disagreement about the traditional histories of their roots of title.

Each party gave a different version of how the land devolved from his alleged progenitor to him. The critical issue at stake at this stage is that of credibility. Which version is more credible?

A trial Court faced with competing histories regarding the acquisition of a piece of land, through traditional history, has to determine the truth of the histories on the basis of probability that either of them could be true. In the case of: ***IREJU NWOKIDU & 3 ORS vs. MARK OKAMI (2010) 3 NWLR (PT. 1181) 362 @ 398 Paras A-C*** the Supreme Court gave a guide thus:-

"In the scenario before the Court, where the case is fought on evidence of traditional history which in other words hearsay upon hearsay which is the nature of traditional evidence, the trial court in its traditional role of an umpire has a duty to examine the evidence of the parties and come to the conclusion which is more probable in the circumstances of the case, by testing it against the other evidence. Where witnesses of one party contradict each other on the traditional history relied upon, the trial court will be right to reject the traditional history. If the evidence adduced on one side is supportive of the traditional history relied upon by the other side, the trial court will be right in accepting the traditional history. It is only when it can neither find any of the two histories probable nor conclusive that he will declare both inconclusive and proceed to decide the case on numerous and positive acts of possession and ownership."

In a situation such as in the present case where there is conflicting evidence of traditional history, the Court is enjoined to follow ***the Rule in Kojo II v. Bonsie***. The rule is that where parties to a dispute over title to land rely on traditional histories to prove their cases, the proper course to follow is to test the traditional history of both parties by reference to the facts in recent years as established by other evidence before the Court, so as to resolve which of the two competing histories is more probable. The primary duty of the Court where both parties rely on traditional history is to determine the preferred version having regards to the evidence presented in proof of same, the Court being faced with the oath of the parties against each other. This is the principle as laid down in the old case of: ***KODJO II V BONSIE (1957) 1 WLR p. 1223.*** It is usually invoked where the trial

Court is in dilemma or difficulty as to which of the parties' traditional history to accept. In such a case, a Court confronted by such difficulty must advert to and consider other evidence of acts of recent possession available on the evidence before it so as to resolve the conflict.

Applying the foregoing principles to the instant case, I observed that the thrust of the Claimant's case is based on the evidence of the Claimant himself and his two witnesses. Essentially, the evidence of the Claimant and his witnesses were merely a restatement of the traditional history of the land which by and large is hearsay evidence. The Claimant did not lead any evidence of some salient acts of recent possession available on the part of the Claimant.

On the other hand, the Defendant gave evidence of the traditional history of the land and called one Mrs. Roseline Iseghohi (D.W.1) who testified of some recent acts of possession exhibited by the Defendant in relation to the land. She stated that she has a common boundary with the land in dispute. That when she bought her land measuring 100ft by 50ft from one Mr. George Okhueleigbe, she had no entrance to her land. That after the Defendant inherited the land, she approached him and he gave her a right of way to her land measuring 20 feet wide. The said D.W.1 testified that when the Claimant's father was alive, he never challenged the Defendant over the land in dispute.

That since she started to share boundary with the land, the Claimant did not challenge the Defendant. She therefore asserted that the land in dispute belongs to the Defendant and not the Claimant.

Furthermore, the Defendant called one Friday Okoromi as D.W 3 who testified that with the permission of the Defendant, he has been farming on the land in dispute for about fifteen years.

It is settled law that a person can be in possession of a parcel of land through a third party such as a servant, agent or tenant. See: ***Ladipo & Ors. vs. Ajani & Anor. (1997) 8 NWLR (Pt.517) 356 at 367***.

I am of the view that from the evidence of D.W.1 and D.W.3 the Defendant has established sufficient acts of recent possession of the land in dispute in accordance with the ***rule in Kojo vs. Bonsie*** to enable me resolve the conflict in the evidence of traditional history of the land in favour of the Defendant.

Furthermore, I am in agreement with the submission of the learned counsel for the Defendant that there is a material contradiction in the Claimant's evidence

of the traditional history of the land. In his evidence at the trial, the claimant testified that the land in dispute was deforested by the Idumu-Ague Community however his witness, the C.W.1 maintained that the land in dispute was deforested by Pa Itemezi who incidentally was the Defendant's progenitor in title.

In the event, I hold that the Claimant was unable to establish his root of title by his evidence of the alleged traditional history of the land.

On the proof by the production of documents of title, the Claimant tendered Exhibits "A" to "D" in proof of his case to wit: the document containing the receipt of payment for the land bought on the 3rdof March, 1965; Deed of transfer dated 20th day of October 1967; Deed of transfer dated 8th day of June 1966; Deed of Transfer dated 14th day of December 1968; Letter of Attestation dated 20th of February 2017 by the elders of Idumu-Ague and Letter of Trespass unto the Land by the defendant dated 24th day of November 2014.

Upon a careful examination of the aforesaid documents of title, I agree with the learned counsel for the Defendant that there is a missing link in the Claimant's story in relation to the issue of transfer of communal interest to the alleged vendors which renders his story incapable of belief and therefore unreliable. A perusal of Exhibits "A" to "D", reveal that the names of the alleged transferors in the said documents, are individual members of the society as against any communal interest. I also uphold his submission that Exhibits "A" to "D" have no logical bearing with the claimant's case, particularly paragraph 5 of his Statement on Oath which ascribes original ownership of the land in dispute to Idumu-Ague Community. There is no evidence of how the land devolved from the Idumu-Ague Community to any of the transferors mentioned in the said Exhibits "A" to "D".

It is settled law that where the title of the Grantor is in issue (as in the instant case), the mere production of documents of title, without more is not sufficient proof of title to land. It is the duty of the Claimant to go further to plead and trace the root of title of the Grantor or Vendor. See: ***Olukoya vs. Ashiru (2006) AFWLR (Pt.322) 1479 at 1506.***

In the event, I hold that the Claimant has also failed to establish his root of title by the production of documents of title.

The other means of proof available to the Claimant are proof by acts of ownership; 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 by acts of long possession and enjoyment of the land.

The general position of the law on the acts of ownership as a means of proving title to land was aptly explained by the Supreme Court in the case of ***Fasoro vs. Beyioku (1988) 2 NWLR (Pt. 76) 263 at 271-272***. ***Oputa J.S.C*** stated thus: ***"One cannot really talk of acts of ownership without first establishing that ownership. Where a party's root of title is pleaded as, say – a grant or a sale or conquest etc, which root has to be established first, and any consequential acts following therefrom can then properly qualify as acts of ownership. In other words, acts of ownership are done because of, and in pursuance to the ownership."***

In the instant case, the Claimant has not established any form of ownership to warrant the consideration of any alleged acts of ownership.

Furthermore, by the operation of ***section 146 of the Evidence Act 2011***, a person is presumed to be the owner of the land in his possession until the contrary is proved. In the instant case the Claimant alleged that he is the owner of the land and that he inherited same from his late father. However, he did not lead evidence to establish his current possession of the land to invoke the presumption of ownership in his favour.

The preponderance of evidence reflects the fact that the Defendant has been in consistent possession of the land through his agents or privies who have been farming on it from year to year. He led evidence of how he appointed the D.W 2 to

be the caretaker of the land and he was farming on it until sometime in 2005 when he gave it out to Pius Ayemon to be farming on it at his instance. That Pius Ayemon farmed on the land in dispute until sometime in 2015 when he became sick and the defendant granted permission to the D.W.3. Friday Okoromi to be farming on the land from 2015 till date. From the evidence adduced at the trial, the Defendant is in possession of the land and by virtue of Section 146 of the Evidence Act, he is presumed to be the owner of the land in his possession until the contrary is proved.

Thus, the Claimant has also failed to establish his root of title by evidence of acts of ownership.

The remaining means of proof are 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 by acts of long possession and enjoyment of the land. Like the proof by acts of ownership, these two means of proof also depend heavily on proof of possession.

In the instant case, these remaining two means of proof are plagued with the same vice which affected the earlier methods of proof. The evidence of possession preponderates heavily in favour of the defendant.

On the basis of my finding above, I am of the view that on the preponderance of evidence, the Claimant has failed to prove his Claim and Issue 1 is accordingly resolved in favour of the Defendant.

ISSUE 2:

Whether the Defendant/Counter-Claimant has established his claims in this suit?

A Counter-Claim is a separate action by itself. Where a Claimant claims a declaration of title to a piece of land and the Defendant counter-claims, it is the duty of the Claimant to establish his own title. Where the Claimant fails to establish his title, the burden of proving title rests firmly on the Defendant/Counter-Claimant to prove his title.

Where two parties lay claim to a piece of land, the law ascribes title to the party with a better title. See: ***Akpang vs. Amiye (2015) 18 NWLR (Pt.1490) 148 at 151.***

In this suit, the Defendant counter- claimed against the Claimant as follows:

i. ***A declaration that the defendant is the proper person entitled to apply for and be granted statutory rights of occupancy in respect of all that piece/parcel of land measuring approximately 3176.7829 Square Metres delineated and demarcated in Litigation Survey Plan No. SNL/LID/ED006/2018 of 21st day of September 2018, lying and situate at Idumu-Ague, Efandion, an area within the jurisdiction of this Honourable Court;***

ii. ***The sum of ₦500,000.00 (Five hundred thousand naira) being general damages for trespass by the claimant unto the said piece/parcel of land; and***

iii. ***A perpetual injunction restraining the claimant, his agents, servants or privies from further encroaching into the said piece/parcel of land.***

In proof of his Counter-Claim, the Defendant/Counter-Claimant testified and called four witnesses.

From the evidence adduced, the Defendant/Counter-Claimant appears to be relying on the first, third, fourth and the fifth means of proof of title to land as enumerated in the case of ***Idundun vs Okumagba supra***. To wit: proof by traditional evidence; by acts of ownership; 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 by acts of long possession and enjoyment of the land.

While resolving Issue 1, I made some findings of fact which will invariably affect the resolution of the present issue. Applying the rule in ***Kojo vs. Bonsie***, I have already held that the evidence of traditional history of the land adduced by the Defendant/Counter-Claimant is more credible than that of the Claimant.

The issue now is whether this evidence of traditional history is sufficient to establish the Claimants' title. It is settled law that a Claimant who claims title by traditional evidence and who successfully establishes his title by such evidence need not prove further acts of ownership. In the case of: ***USMAN v. KILANGE (2015) LPELR-40627(CA)*** the Court stated the position thus: ***"In law, a party who by credible evidence makes out his case of title to land by means of evidence of traditional history of title is entitled on such proof alone to a declaration of title***

to the land in dispute. In other words, there is no further onus or duty on such a party, as in the instant case the Appellant to prove, in addition to his already proved traditional history of title to the land in dispute, any of the other four modes of proof of title to land. Simply put, proof of title to land in dispute by means of traditional history of title if made out is both conclusive and sufficient. See Aigbobahi V. Aifuwa (2006) All FWLR (Pt. 303) 202 @ p. 213. See also Oyekan V. Oyewole (2012) All FWLR (Pt.623) 1991 @ pp. 2001-2002."
Per GEORGEWILL, J.C.A (P. 44, paras. A-D)

However, a party seeking for a declaration of title to land that is relying on traditional history as proof of his root of title must plead certain facts.

In the case of: ***MICHAEL & ANOR v. ADULOJU (2018) LPELR-46312(CA)*** the Court of Appeal referred to the decision of the Supreme Court in the case of: ***CHUKWUEMEKA ANYAFULU & ORS V. MADUEGBUNA MEKA & ORS (2014) LPELR-22336(SC)*** where Okoro JSC stated as follows:

"It is trite that a party seeking for a declaration of title to land, who relies on traditional history as proof of his root of title, must plead same sufficiently. That is to say, he must demonstrate in his pleading the original founder of the land, how he founded the land, the particulars of the intervening owners through whom he claims. Where a party has not given sufficient information in his pleadings as regards the origin or ownership of the land and the line of succession to himself, he has just laid foundation for the failure of his claim. See HYACINTH ANYANWU V. ROBERT ACHILIKE MBARA & ANOR (1992) 5 SCNJ. 90, IDUNDUN V. OKUMAGBA (1976) 9 - 10 SC 224, ATANDA V. AJANI (1989) 3 NWLR (Pt. III) 511."

This now brings us to the issue of examining the pleadings of the Defendant/ Counter-Claimant in this suit to ascertain whether his pleadings are comprehensive enough to cover the vital facts to support the admissibility of vital evidence to establish proof by traditional evidence.

The Defendant/Counter-Claimant's extant pleading is his Amended Statement of Defence/Counter Claim filed vide a motion dated the 22nd of October 2018 but granted by this Honourable Court on the 14th of January 2019.

In the aforesaid pleadings, the Defendant/Counter-Claimant pleaded ***inter alia*** as follows:

"6. The defendant avers that his father, Pa Isibor Okojie Abuya inherited the land now in dispute, from his father, Pa Isibor Okojie sometime in 1971 after performing his final funeral rites in accordance with Esan Native Law and Custom of Ewoyi Uromi as the eldest male child of the family.

7. The defendant avers that his grandfather inherited the land in dispute from his mother, Madam Edo Ogbidi, one of the wives of the late Onojie of Uromi, His Royal Majesty, Ogbidi Okojie over one hundred and fifty years ago.

8. The defendant avers that his great grandmother, Madam Edo Ogbidi was given the land in dispute as a gift by her father, Pa Itemezi, a native of Idumu-Ague, Efandion Uromi who deforested a vast expanse of land, part of which is now in dispute over two hundred years ago.

9. The defendant avers that his maternal great great grandfather, Pa Itemezi deforested the said vast expanse of land including the land in dispute by felling trees such as Iroko, Obeche, and Mahogany etc.

10. The defendant avers that after deforestation, his great great grandfather, Pa Itemezi started to farm on it and planted economic crops such as ducanut, avocado pear, oranges and mangoes amongst other crops.

11. The defendant avers that after the land in dispsute was gifted to his great grandmother by her father, she continued to farm on it by planting cassava, cocoyams, yams etc.

12. The defendant avers that his great grandmother farmed extensively on the land in dispute without any challenge until her death whereupon, her eldest male child, Pa Isibor Okojie inherited same and continued farming on it by planting cassava, yams, pepper, okro while nurturing the economic crops thereon.

13. The defendant avers that his great grandmother who farmed on the land in dispute planted crops such as groundnut, maize, cassava etc and was not also challenged until her death.

14. The defendant avers that when his father inherited the land in dispute, he planted yams, maize and cassava, etc on the land in dispute and was never challenged by the claimant's father who had common boundary with the land in dispute."

A careful examination of the aforesaid pleadings reveal clearly the the Defendant/Counter-Claimant sufficiently pleaded the original founder of the land, how he founded the land, the particulars of the intervening owners through whom he claims and the line of succession to himself.

Coming to the evidence adduced by the Defendant/Counter-Claimant, I observed that he led sufficient evidence to trace the history of the land from his great, great grandfather Pa. Itemezi who deforested the land. The said Pa. Itemezi gave the land as a gift to the Defendant's great grandmother. Upon her demise, her eldest son, Pa. Isibor Okojie inherited the land and upon the demise of Pa. Isibor Okojie, the land was inherited by the Defendant's father Pa. Isibor Okojie Abuya and thereafter to the Defendant.

Thus he was able to discharge the burden to establish who his ancestors were and how they came to own and possess the land and eventually pass it to him. The line of succession was unbroken. See: ***ASAOLU v. OJOTOLA (2015) LPELR-41794(CA), OWOADE, J.C.A at pp. 20-21, paras. D-A;*** and ***LATEJU v. LUBCON NIGERIA LTD (2014) LPELR-22536(CA), ONYEMENAM ,J.C.A at pp. 17-18, para. C.***

From the foregoing, I am satisfied that the Defendant has successfully established his title to the land by cogent and credible evidence of the traditional history of the land.

The point was earlier made in this judgment that any one of the five means of proof as enumerated in the case of ***Idundun vs. Okumagba supra*** will be sufficient to prove title to the land as each is independent of the other. See: ***Nwosu vs. Udeaja (1990) 1 NWLR (Pt.125) 188; and Anabaronye & Ors. vs. Nwakaihe (1997) 1 NWLR (Pt.482) 374 at 385.***

In the event I will not go into the other means of proof as disclosed by the evidence adduced by the Defendant/Counter-Claimant. I will now proceed to consider his reliefs for general damages and perpetual injunction.

On the claim for the sum of ₦500,000.00 (five hundred thousand naira) as general damages for trespass, it is settled law that General Damages are presumed by law as the direct natural consequences of the acts complained of by the Claimant against the Defendant. The assessment of general damages is not predicated on any established legal principle. Thus, it usually depends on the peculiar circumstances of the case. See: ***Ukachukwu vs. Uzodinma (2007) 9 NWLR (Pt.1038) 167; and Inland Bank (Nig.) Plc vs. F & S Co. Ltd. (2010) 15 NWLR (Pt.1216) 395.***

The fundamental objective for the award of general damages is to compensate the Claimant for the harm and injury caused by the Defendant. See: ***Chevron (Nig.) Ltd. vs. Omoregha (2015) 16 NWLR (Pt.1485) 336 at 340.***

Thus, it is the duty of the Court to assess General Damages; taking into consideration the surrounding circumstances and the conduct of the parties. See: ***Olatunde Laja vs. Alhaji Isiba & Anor. (1979) 7 CA.***

The quantum of damages will depend on the evidence of what the Defendant/Counter-Claimant has suffered from the acts of the Claimant.

In the instant case the only evidence adduced by the Counter Claimant on damages is that the Claimant allegedly forcibly entered the land in dispute sometime in 2017 and in the process, damaged the D.W.3's crops on the land in dispute. There is no evidence of any direct damage to the Defendant. The incident of damages to the D.W.3's crops in 2017 appears rather remote.

Going through the entire gamut of the Defendant/Counter-Claimant's case, there is no evidence of anything he suffered from the action of the Claimant. It is usual in cases such as this, where the Counter-Claimant has not shown that any particular loss was suffered for the Court to award nominal damages. See: ***Artra Industries (Nig.) Ltd. vs. N.B.C.I (1998) 4 NWLR (Pt.546) 357; Ogbechie vs. Onochie (1988) 4 NWLR (Pt.70) 370***. In the event, I think the Counter-Claimant is only entitled to nominal damages.

On the claim for perpetual injunction, it is settled law that where damages is awarded for trespass, the Court ought to grant an auxiliary claim for injunction. See: ***Ibafon Co. Ltd. vs. Nigerian Ports Plc. (2000) 8 NWLR (Pt.667) 86 at 102; Balogun vs. Agbesanwa(2001) 17 NWLR (Pt.741) 118;*** and ***Onabanjo vs. Efunpitan (1996) 7 NWLR (Pt.463) 756 at 760-761.***

Also, in the case of ***Obanor vs. Obanor (1976) 2 S.C.***1, the Supreme Court held that where damages is awarded for trespass to land and there is an ancillary claim for injunction, the Court will grant perpetual injunction. This is the situation in the instant suit.

On the whole, Issue 2 is resolved in favour of the Defendant/Counter-Claimants. The main claim is dismissed and the counter-claim succeeds. Judgment is therefore entered in favour of the Defendant/Counter-Claimants as follows:

i. ***A declaration that the Defendant/Counter-Claimant is the proper person entitled to apply for and be granted statutory rights of occupancy in respect of all that piece/parcel of land measuring approximately 3176.7829 Square Metres delineated and demarcated in Litigation Survey Plan No. SNL/LID/ED006/2018 of 21st day of September 2018, lying and situate at Idumu-Ague, Efandion, an area within the jurisdiction of this Honourable Court;***

ii. ***The sum of ₦200,000.00 (two hundred thousand naira) being general damages for trespass by the Claimant unto the said piece/parcel of land; and***

iii. ***A perpetual injunction restraining the Claimant, his agents, servants or privies from further encroaching into the said piece/parcel of land.***

Costs is assessed at N50, 000.00 (fifty thousand naira) in favour of the Defendant/Counter-Claimants.

P.A.AKHIHIERO
JUDGE
13/05/2020

<u>COUNSEL:</u>
D.O.Okojie Esq……..……..Claimant.
Dr. P.E. Ayewoh Odiase……Defendant/Counter-Claimant.