

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT JABI, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE MUHAMMAD S. IDRIS

COURT:28

DATE: 6TH JUNE, 2022

FCT/HC/CV/135/21

BETWEEN:

MR SAMUEL IDOWU

PLAINTIFF

AND

1. MOHAMMED ADAMU

DEFENDANTS

DEPUTY SHERRIF FCT HIGH COURT OF JUSTICE

RULING

The Claimant's Counsel filed a motion on notice dated 27th January, 2022 and filed on the 9th February, 2022 same is brought pursuant to order 43 Rules 1(1) of the Rules of this Court and also section 6 and 36 of the 1999 Constitution of the Federal 1 (1) (2) of the Rules of this Court and also rules 6 and 36 of the 1999 Constitution of the Federal Republic of Nigeria as amended. Also under the inherent jurisdiction of this Court. The motion is seeking the following reliefs:-

1. A declaration of this Court that the 1st Defendant/Respondent is neither qualified or entitled under the legal Aid Council Act to enjoy the service of the Counsel.
2. A declaration that the Presentation of the 1st Defendant/Respondent by Counsel from the Legal Aid Council in this suit is ultra vires its mandate and constitutes an abuse of office by the Council under the Legal Aid Act, Cap L9, Laws of the Federation of Nigeria, 2004.

Hon. Justice M.S idris

3. A declaration of the Honourable Court disqualifying the Counsel from the legal Aid Council from further representing the 1st Defendant/Respondent in this suit.
4. An order of the Honourable Court committing the 1st Defendant/Respondent to a summary trial for false information.
5. And for such order or further orders as this Honourable Court may deem fit and proper to make in the circumstances of this case.

The ground upon which this application is brought is – on the motion in support of the motion is a paragraph affidavit deposed to by one Nasiru Suleiman a litigation secretary in the law firm of Ojo Olugbenga & Co. in compliance with the rules of Court and the and the Claimant filed a written address Court adopt same and urge the Court to grant this application. The Defendant/Respondent Counsel O—replied on point of law that from prayers 2 is misplaced Legal Aid Council is joinder by the provision of the Legal Aid Council Act, 2011 which rep--- Legal Aid Council Cap Legal Aid Council Law 2004, the Claimant does not have the basis to big this application.

The 1st Defendant is the ---- of a minimum wage which is N30,000.00 this is in respect of prayer No. 2 which prayer 1 and 3 ca not succeed if the Court hold that the Application is predicated on the known existing law.

Counsel urge the Court not to grant the application and dismiss the application, --- which ---- on point of law asserted the maker ---- with both the ----law and the most recent as c and LAA 2021. He who assert must proof as contained in the -----position of the counter affidavit same will be proof -- by --- the cost of --- ---- the claimant ought to have points support p proof for ----- it to be convinance the 1st Defendant in financial served. I ----- myself to section 5 LAA 2021 legal Aid --- 2012 legal Aid shall consit on items provided by the Act of

- A. The assistance of a legal ---- including all such assistance as is usually given to by a private legal practitioner in the step ---- or inci— to any proceedings.

B. Representation by a legal practitioner before any Court and
C. Such addition aid, (including advice as may be presented. The
Defendant/respondent have -----

I therefore safely conclude that the --- filed by the Claimant Counsel is
hereby refused and all the reliefs-----

HON. JUSTICE M.S IDRIS
(Presiding Judge)

Appearance

Akinyen David Ade:- For the Claimant

Ogbeyi O.Ojo:- for the 1st Defendant/Respondent.

O.E Princewill:- For the 2nd Defendant