

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT 4 MAITAMA ABUJA ON THE 11TH DAY OF
OCTOBER, 2021
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE

SUIT NO.FCT/HC/M/2520/2021

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

CLEMENTINA OSAGIE.....CLAIMANT

AND

1. MR. ALIYU O. SAIKI)

2. MADAM MADUABAM CHINELO CLARA PEARL)....DEFENDANTS

RULING

The 1st Defendant's application is for an Order striking out the name of the 1st Defendant from the suit on the ground that it disclosed no reasonable cause of action against the 1st Defendant.

That the 1st Defendant is not a necessary party.

In his Affidavit, he deposes that the property in question was owned by him until September 2019 when he parted with the ownership of same in favour of the 2nd Defendant.

That Claimant was his tenant till then.

That he will not be affected by the result of the action.

That the matter can be effectually and completely determined without the 1st Defendant.

The Claimant did not file a Counter Affidavit to the Motion.

I believe the evidence of the 1st Defendant as contained in the Affidavit that he has disposed off the property in favour of the 2nd Defendant.

This is a Landlord and Tenant Suit.

The 1st Defendant is no more the landlord of the Claimant.

I have carefully read the Writ of Summons and Statement of Claim.

This Suit can be determined without the presence of the 1st Defendant.

The 1st Defendant's interest on the property abated when he transferred his interest to the 2nd Defendant.

The application succeeds.

The name of the 1st Defendant is hereby struck out.

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HON. JUSTICE U.P. KEKEMEKE
(HON. JUDGE)
11/10/21.