

**IN THE HIGH COURT OF THE FEDERAL
CAPITAL TERRITORY, ABUJA
HOLDEN AT MAITAMA, ABUJA**

ON MONDAY, 17TH DAY OF JANUARY, 2022

BEFORE HON. JUSTICE SYLVANUS C. ORIJI

SUIT NO. FCT/HC/CV/925/2020

MOTION NO. M/3131/2021

BETWEEN

SENATOR ANYIM PIUS ANYIM, GCON --- CLAIMANT/RESPONDENT

AND

1. MR. MOSES ORJI

2. OGBONNA PAUL AROCHUKWU

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**DEFENDANTS/
APPLICANTS**

RULING

The claimant instituted this action on 28/1/2020 vide writ of summons. The suit was against the defendants and Independent Communications Network Limited [as the 3rd defendant].

The defendants filed a notice of preliminary objection on 18/8/2020 with *Motion No. M/9666/2020*. On 5/10/2020, the claimant filed his processes in opposition to the preliminary objection. Other processes were filed by the defendants and the claimant in respect of the preliminary objection.

On 17/12/2021, the Court granted the claimant's *Motion No. M/8994/2020* filed on 5/8/2020 for an order striking out the name of the 3rd defendant and an order to amend the writ of summons and other processes. The amended writ of summons, statement of claim and other accompanying processes were filed on 1/3/2021.

On 26/3/2021, the defendants/applicants filed a fresh notice of preliminary objection with *Motion No. M/3131/2021*. This Ruling is on the preliminary objection by which the defendants seek the following orders:

1. An order declining jurisdiction to entertain this suit for the clear absence of territorial jurisdiction under Order 3: Rule 4, of the High Court of the FCT Civil Procedure Rules [2018].
2. An order dismissing this suit in its entirety on the ground that this Honourable Court clearly lacks the territorial jurisdiction to try same under Order 3: Rule 4, of the High Court of the FCT Civil Procedure Rules [2018].
3. An order dismissing this suit in its entirety on the ground that the claimant clearly lacks a cause of action in the present time.
4. An order dismissing this suit in its entirety on the ground that this Honourable Court cannot assume jurisdiction to entertain matters which are pending in *Suit No. HSK/4/2020* before the Ebonyi State High Court and which are entirely within the jurisdiction of the Ebonyi State High Court.

5. An order dismissing this suit in its entirety for being frivolous, scandalous, vexatious and an abuse of court process in accordance with Order 15: Rule 18, of the High Court of the FCT Civil Procedure Rules [2018].
6. An order directing the claimant/respondent to pay to the 1st and 2nd defendants/applicants costs of action assessed at N50,000,000.00 [fifty million Naira].
7. Any further orders as this Honourable Court may deem fit to make in this suit.

The defendants filed the following processes on 26/3/2021 in support of the preliminary objection:

- i. The 1st defendant's 43-paragraph affidavit and Exhibits 1, 2 & 3 attached therewith together with the written address of Dr.Uchenna Jerome Orji Esq.
- ii. The 1st defendant's 71-paragraph reply affidavit and Exhibits 1& 2 attached therewith together with the reply on points of law of Dr.Uchenna Jerome Orji Esq.
- iii. The 1st defendant's 15-paragraph reply affidavit to the claimant's further and better affidavit and Exhibits 3, 4, 5, 6 & 7 attached therewith together with the reply on points of law of Dr.Uchenna Jerome Orji Esq.

In opposition, the claimant/respondent filed these processes on 1/7/2021:

- i. The claimant's 47-paragraph counter affidavit and Exhibit 1 attached therewith together with the written address of OkoroNkemakolamEsq.
- ii. The 5-paragraph further and better affidavit in opposition to the defendants' preliminary objection deposed to by Michaels Ukamaka Elizabeth, a law office secretary in the law firm of the claimant's counsel, and Exhibits A1 & A2 attached therewith.

At the hearing of the application on 1/11/2021, C. K. Orji Esq. adopted the defendants' processes while OkoroNkemakolamEsq. adopted the claimant's processes.

In the written address of Dr. Uchenna Jerome Orji Esq. in support of the preliminary objection, he formulated three issues for determination, which were adopted by OkoroNkemakolamEsq. in his written address. The three issues are:

1. Whether in the circumstances of this case, this Honourable Court has the jurisdiction to entertain this suit.
2. Whether in the circumstances of this case, this Honourable Court can assume the jurisdiction to entertain this suit while Suit No: HSK/4/2020 is still pending before the High Court of Ebonyi State? [i.e.] whether this Honourable Court can validly determine this suit before Suit No: HSK/4/2020 is determined.

3. Whether going by the facts and circumstances of this case, this suit is frivolous, scandalous, vexatious and constitutes an abuse of court process? [i.e.] whether this suit constitutes an abuse of court process considering that Suit No: HSK/4/2020 which was earlier filed by the 1st defendant/applicant and which is still pending substantially shares parties, facts, issues and subject-matters with this suit?

I have read the orders sought by the defendants, the copious depositions in the affidavits of the parties and the arguments in the respective written addresses of both learned counsel. I am of the considered opinion that there are three issues for resolution in the preliminary objection, to wit:

1. Whether the claimant's suit has disclosed a cause of action against the defendants.
2. Is this suit an abuse of court process and/or frivolous, scandalous or vexatious?
3. Whether this Court has territorial jurisdiction to entertain this suit.

In the determination of this application, I will limit myself to facts in the affidavits and arguments of the learned counsel, which I consider relevant or material to the determination of the above issues. Let me first refer to the relevant or material depositions in the affidavits of the parties.

In his 43-paragraph affidavit, the 1st defendant stated that:

1. The relevant facts, issues and subject matter of this suit are substantially the same with Suit No. HSK/4/2020, which he instituted on 23/1/2020 against the claimant before the High Court of Ebonyi State following the claimant's involvement in the destruction of his farm at Ovumnte, Amagu, Ishiagu, Ivo L.G.A. [Local Government Area] of Ebonyi State.
2. Claimant is an indigene of Amagu, Ishiagu in Ivo L.G.A. of Ebonyi State and the patron/godfather and principal of the Amagu Land Allocations Committee which he instigated and procured to seize and destroy his [1st defendant's] said farm in order for him to develop a purported modern residential city thereon.
3. Between 21st, 22nd and 23rd January, 2020, a bulldozer which moved from the claimant's compound and accompanied by persons including Mr.ChineduMakwe, Mr.Chukwu Benjamin, Mr.UkahLivinus, Mr.IgweRomanus and Mr. Peter Ajah forcefully entered and destroyed his farm with the intent to acquire and parcel out same for development into a purported modern residential city.
4. His farm is situated on a piece of land which he inherited from his late father, Jerome Orji, who deforested a significant portion of the land while it was a virgin forest and he has been in physical possession of same for 70 years and 100 years counting from the time of his father. The land is not communal land as the claimant falsely claims in paragraph 24[x] of his statement of claim in this suit.

5. He did not mastermind, procure, author or sponsor any person to author or publish any libellous statements against the claimant. The information regarding the destruction of his farm by persons instigated by the claimant became a matter in the public domain once he filed Suit No. HSK/4/2020 against the claimant and the said persons on 23/1/2020.
6. The claimant is aware that he is a retired civil servant and farmer resident in Akanu, Akagu, Ishiagu in Ivo Local Government Area of Ebonyi State. He neither resides in Abuja nor conducts business in Abuja.
7. The 2nd defendant is a human rights lawyer resident in Port Harcourt, Rivers State and acts as his counsel in Suit No. HSK/4/2020. The 2nd defendant neither resides nor conducts his business in Abuja.
8. The claimant instituted this suit against him to frustrate proceedings in Suit No. HSK/4/2020 *“by scaring me with the costs of defending this Suit in Abuja and oppressing me into abandoning Suit No: HSK/4/2020.”* The continuation of the trial of this suit will prejudice proceedings in Suit No. HSK/4/2020.
9. This suit is frivolous and a gross abuse of court process as it was instituted to intimidate, oppress and harass him into abandoning Suit No. HSK/4/2020.

In his 47-paragraph counter affidavit, the claimant stated as follows:

1. The suit in the High Court of Ebonyi State which is for declaration of title over a portion of land has no link or similarity with the present suit, which is for libel. The two matters are distinct.
2. The 1st defendant has no farmland in Ovumte, Amagu, Ishiagu in Ivo L.G.A. of Ebonyi State as the said land belongs to the community. He never destroyed any farmland in Ovumte or anywhere else and was not in any way involved in the alleged destruction of any farmland. He never instigated or procured any person to destroy any farmland.
3. He does not have bulldozers and no bulldozer proceeded from his compound between 21st, 22nd and 23rd of January, 2020 or on any other date to destroy any farmland.
4. The 1st defendant's suit in the High Court of Ebonyi State is based on false claims and the defendants have filed their amended statement of defence, which is attached as Exhibit 1.
5. He did not institute this suit to frustrate any matter pending before the High Court of Abakiliki, Ebonyi State. He instituted this action in good faith to protect his hard-earned reputation for the libellous publication by the defendants against his person.

In the 1st defendant's 71-paragraph reply affidavit, he reiterated his earlier depositions that the said farmland belongs to him and not communal land; and that the claimant instigated and procured the 1st-4th and 6th-8th defendants

in Suit No. HSK/4/2020 to seize and destroy his said farm in order to develop a purported modern residential city thereon. He also stated that he and the 2nd defendant do not know or have any relationship with PM News or with any journalist employed by PM News.

The next affidavit is the 5-paragraph further and better affidavit in opposition to the preliminary objection deposed to by Michaels Ukamaka Elizabeth. In that affidavit, it is deposed that: [i] Suit No. HSK/4/2020 previously pending before the High Court of Ebonyi State since abated by virtue of the Ruling of that Court delivered on 17/11/2020, which is attached as Exhibit A1; [ii] the 1st defendant filed a notice of appeal against the said decision; the notice of appeal is Exhibit A2; and [iii] the appeal has not been determined by the Court of Appeal.

The depositions of the 1st defendant in the 15-paragraph reply affidavit to the claimant's further and better affidavit are that:

1. The High Court of Ebonyi State never heard Suit No. HSK/4/2020 on its merit. On 22/7/2020, the trial Judge made an order consolidating Suit No. HSK/4/2020 with Suit No. HSK/6/2020 and Suit No. HSK/19/2020 filed by other land owners against the claimant herein and other individuals responsible for the destruction of their properties at Ovumnte, Amagu in Ishiagu, Ivo L.G.A. of Ebonyi State.

2. On 17/12/2020, the trial Judge *suomotu* made a Ruling ordering the 1st defendant [i.e. plaintiff in Suit No. HSK/4/2020] and other plaintiffs in Suit No. HSK/6/2020 and Suit No. HSK/19/2020 to bring their actions through a Class Action [i.e. Representative Action]. The trial Judge did not strike out or dismiss Suit No. HSK/4/2020.
3. Being dissatisfied with the Ruling, he filed a notice of appeal and later filed the Appellant's Brief of Argument. It is not correct that Suit No. HSK/4/2020 has abated.

Before I go to the issues for resolution, let me first consider as a preliminary issue the argument of learned counsel for the defendants that the filing of claimant's further and better affidavit constitutes an abuse of court process and incompetent. This argument was canvassed in the reply on points of law filed along with 1st defendant's reply affidavit of 15-paragraphs. Dr. Uchenna Jerome Orji submitted that the Rules of this Court, 2018 do not provide for the filing of a further affidavit except for the purpose of an application for judicial review under Order 46 rule 6[2] & [3] thereof.

It must be noted that generally, interlocutory applications -like the present application - are determined on the basis of affidavit evidence. Thus, I am of the opinion that a party is entitled to file a further affidavit to respond to a fresh fact raised by the adverse party or to disclose further facts, which he considers material to the determination of the application. Where he does not respond to the fresh fact, he will be deemed to have admitted it.

I am guided by the decision in the case of **Uzodinma v. Izunaso&Ors. [2011] LPELR-20027[CA]**. It was held that where facts in respect of anything deposed to in a counter affidavit or further counter affidavit are not met or addressed by the other party in a further and better affidavit, the proper conclusion to reach is that the facts stated in the counter affidavit or further affidavit remain unchallenged. See also the case of **Ondo State v. A.G. Ekiti State [2001] 17 NWLR [Pt. 743] 706**.

In the instant case, Dr.Uchenna Jerome Orji is correct that there is no express provision in the Rules of this Court, 2018 for the filing of a further affidavit by the claimant/respondent. It is also pertinent to remark that there is provision in the Rules of this Court, 2018 which forbids or bars the filing of a further affidavit by the claimant/respondent.

Also, based on the principle of fair hearing, which affords each party to a proceeding the opportunity to present all facts relevant to, or in support of, his case, I am of the considered view that the claimant is entitled to file the further affidavit under attack. Let me add that the defendants have not suffered any miscarriage of justice or prejudice by reason of the filing of the further affidavit since they filed a reply affidavit to the said further affidavit.

The decision of the Court on the preliminary issue is that claimant's further and better affidavit filed on 1/7/2021 is not an abuse of court process and is not incompetent. I now proceed to determine the three main issues in turn.

ISSUE 1

Whether the claimant's suit has disclosed a cause of action against the defendants.

The submission of learned counsel for the defendants/objectors is that the cause of action in this suit arose from Suit No: HSK/4/2020. Therefore, any cause of action or legal issue to be determined in this suit will only arise after Suit No: HSK/4/2020 has been determined. He emphasized that if Suit No: HSK/4/2020 is determined in favour of the claimant, then, he may have a cause of action in defamation but where Suit No: HSK/4/2020 is determined in favour of the 1st defendant, the claimant will have no cause of action. The defendants' counsel also stated that from the pleadings of the parties in this suit, they joined issues on: [i] whether the 1st defendant holds lawful title to the parcel of land located in Ovumnte in Ivo L.G.A. of Ebonyi State or whether the land is communal land; and [ii] whether the claimant instigated the commission of acts of trespass on the land. Dr. Orji posited that this Court will have to determine these issues in this case.

Flowing from the above issues, the learned counsel for the defendants asked: [i] what will be the fate of this suit if Suit No: HSK/4/2020 is decided in favour of the 1st defendant?; and [ii] what will be the effect of the decision of this Court if this suit is decided in favour of the claimant while Suit No: HSK/4/2020 is decided in favour of the 1st defendant? It was submitted that the existence of these questions creates a real likelihood of two conflicting

decisions at the end of trial by this Court. He referred to Asset Management Nominees Ltd. & Anor. v. Forte Oil Plc. & Ors. [2017] LPELR-43553 [CA]. He therefore urged the Court to dismiss this suit on the ground that it lacks jurisdiction to entertain same as the claimant does not have a cause of action until Suit No: HSK/4/2020 is determined in his favour.

For his part, learned counsel for the claimant argued that the cause of action in this matter is not trespass to land or ownership of land but the publication of libellous materials online against the claimant. Therefore, the submission of the defendants that the claimant does not have a cause of action until Suit No. HSK/4/2020 is determined by the High Court of Ebonyi State is not correct. Also, the continuation of the hearing in this suit will not affect the hearing and determination of Suit No. HSK/4/2020.

Okoro Nkemakolam Esq. further argued that the Court cannot look at the contents of the statement of defence in determining if it has jurisdiction to entertain this suit; the Court can only look at the originating processes filed by the claimant in determining if it has jurisdiction. He cited the case of Trade Bank Plc. v. Benilux [Nig.] Ltd. [2003] 9 NWLR [Pt. 825] 466 to support the principle that jurisdiction of a court to entertain a suit is determined by the claim as endorsed in the writ of summons and statement of claim.

Now, in Chevron Nig. Ltd. v. Lonestar Drilling Nig. Ltd. [2007] 16 NWLR [Pt. 1059] 168, a cause of action was defined as the entire set of circumstances

giving rise to an enforceable claim. It is in effect the fact or combination of facts which give rise to a right to sue and it consists of two elements namely, [i] the wrongful act of the defendant which gives the plaintiff his cause of complaint; and [ii] the consequent damage. In determining whether a suit has disclosed a reasonable cause of action, the Court needs only to examine the averments in the statement of claim. See Otubu v. Omotayo [1995] 6 NWLR [Pt. 400] 247 and Ibe&Anor. v. Bonum [Nig.] Ltd. [2019] LPELR-46452 [CA].

I have read the claimant's amended statement of claim in the instant case filed on 1/3/2021. The suit is for the tort of libel. The claimant averred that the defendants on Saturday, the 25th day of January, 2020, wrote and published or caused to be written and published the statements contained in the website, <https://www.pmnewsnigeria.com/category/news/metro> with the caption: "FORMER SENATE PRESIDENT ANYIM ACCUSED OF DESTROYING FARMLAND IN EBONYI". The statements complained of are in paragraph 12 of the amended statement of claim.

In paragraph 17 thereof, the claimant averred that he subsequently received copies of other libellous statements authored by defendants and forwarded to The Cable, a leading online news medium, patronized globally and which has a wide readership. The statements addressed to the Editor, The Cable are pleaded in paragraph 19 of the amended statement of claim. In paragraph 35 thereof, the claimant averred that his character, reputation, person, honour, dignity, etc. have been smeared, maligned, assaulted and denigrated without

any justifiable basis by the publication of the defendants. In paragraph 39, the claimant claims 9 main reliefs, which include declaratory orders that the said publications complained of are libellous of him; orders for retraction, apology, perpetual injunction and damages.

From the averments in the amended statement of claim, there can be no doubt that the claimant has pleaded: [i] the alleged wrongful act of the defendants, which gave him the cause of complaint; and [ii] the consequent damage. I am therefore satisfied that the claimant's suit has disclosed a cause of action or a reasonable cause of action against the defendants.

I have considered the arguments of Dr. Uchenna Jerome Orji, which are hinged on Suit No. HSK/4/2020 instituted by the 1st defendant in Ebonyi State High Court. The processes in Suit No: HSK/4/2020: Sir Moses Orji v. Mr. Chukwu Benjamine Ossi & 7 Ors. are attached to the affidavit in support of the preliminary objection as Exhibit 1. The claimant in the present suit is the 5th defendant. The reliefs of the 1st defendant [as the claimant] in Suit No: HSK/4/2020] are in paragraph 54 of his amended statement of claim. Reliefs [b] & [e] are:

- [b] A declaration that the plaintiff is entitled to the ownership of all that parcel of land situate at Ovumte Amagu Ishiagu known as '*alaibe Mosi*' having founded five hectares and inherited five hectares from his late father Jerome Orji making it ten hectares of land now in dispute.

[e] A declaration that the 5th defendant cannot use 1st-4th and 6th-8th defendants to disinherit and dispossess plaintiff of his possessory rights over the land in dispute having stayed on the land in dispute for over 70 years and over 100 years counting from the time of the plaintiff's father.

I have noted the averments in paragraph 24[ix] & [x] of the amended statement of claim - which are part of the particulars of malice - that:

[ix] The claimant neither instructed nor authorized anyone to take over anyone's land a fact known to the 1st and 2nd defendants.

[x] The land in issue is communal land, and the claimant is not the head of the community and is not responsible for the decision and actions of the community in respect of its land.

I am of the respectful opinion that, contrary to the argument of Dr. Orji, this Court does not need to decide whether or not the said land is communal land before it can determine claimant's suit for libel. It will also not be necessary for this Court to decide whether or not the claimant was responsible for instigating acts of trespass on the said land. This is because from the 1st defendant's depositions in support of the preliminary objection and the averment in paragraph 55 of the statement of defence, their defence to the claimant's suit is that they did not publish any story relating to the claimant and they did not mastermind, procure, sponsor any person to author or

publish any libellous statements against the claimant. So, it is clear, at least to me, that the main issues in this case are whether defendants published the alleged libellous statements; and whether the publication complained of is libellous of the claimant.

The Court rejects the argument of learned defence counsel that the claimant has no cause of action until Suit No. HSK/4/2020 is determined. The Court is also not persuaded by the submission that the continuation of proceedings in this suit will prejudice the hearing and determination of Suit No. HSK/4/2020. From all that I have said, the decision of the Court on Issue 1 is that the claimant's suit has disclosed a cause of action against the defendants.

ISSUE 2

Is this suit an abuse of court process or frivolous, scandalous or vexatious?

Learned counsel for the defendants posited that a frivolous and vexatious suit which is oppressive and has elements of malice clearly qualifies as an abuse of court process. He referred to **Ali v. Albishir [2008] All FWLR [Pt. 415] 1681** where it was held that an abuse of court process is a term generally applied to a proceeding which is wanting in *bonafides* and is frivolous, vexatious and oppressive. Abuse of court process can also mean abuse of legal procedure or improper use of legal process.

Dr. Uchenna Jerome Orji further stated that where two processes are between the same parties in respect of the same subject matter, and are actions or processes in which common questions of law and facts arise or the alleged right to relief is in respect of, or arises out of, the same transaction or series of transactions, the suit or process filed later in time would constitute an abuse of court process. He referred to several cases including Adeniyi v. FRN [2011] LPELR-4766 [CA] and Etim & Anor. v. Obot & Ors. [2009] LPELR-4128 [CA]. He submitted that this suit is frivolous and vexatious and qualifies as an abuse of court process because the claimant does not have a cause of action and it is also oppressive and has elements of malice and vendetta as it is clearly meant to prejudice proceedings in Suit No. HSK/4/2020. Dr. Orji urged the Court to dismiss the suit for being an abuse of court process.

On the other hand, the claimant's counsel referred to Igweh & Ors. v. Igweh & Ors. [2019] LPELR-48721 [CA], where it was held that abuse of court process by multiplicity of actions exists where two or more actions between the same parties, claiming the same reliefs and/or involving the same issues are pending in one or more courts. So, to establish abuse of court process it must be shown that the later action or process has parties, issues, subject matter and reliefs similar to the parties, issues, subject matter and reliefs of an existing or pending process or action. It was submitted that this suit is a libel matter and has nothing to do with the land matter pending in the High Court of Ebonyi State.

OkoroNkemakolamEsq. further stated that the claimant in commencing this suit exercised his constitutional right of action as donated to him under section 6[6][b] of the 1999 Constitution [as amended]. He submitted that the existence of a suit filed in Ebonyi State which has parties and claims different from the parties and claims in this suit cannot stop the claimant from instituting this action. He concluded that this suit is not frivolous, vexatious or oppressive and does not qualify as an abuse of court process.

Abuse of court process is a term generally applied to a proceeding that is wanting in *bonafides* and is frivolous, vexatious or oppressive. The employment of judicial process is generally regarded as an abuse when a party improperly uses the issue of judicial process to the irritation and annoyance of his opponent, and the efficient and effective administration of justice. Abuse of court process may arise in various instances. It may arise in instituting multiplicity of actions on the same subject matter against the same opponent on the same issues. See the cases of Arubo v. Aiyeleru [1993] 3 NWLR [Pt. 280] 126 and C.B.N. v. Ahmed [2001] 11 NWLR [Pt. 724] 369.

I had earlier referred to the parties, the subject matter and reliefs in Suit No. HSK/4/2020 and the subject matter and reliefs in this suit. If I may be prolix for emphasis, Suit No. HSK/4/2020 filed by the 1st defendant is for declaration that he is entitled to the ownership of the said parcel of land at OvumteAmagulshiagu known as '*alaibeMosi*' while the present suit is for the tort of libel. Since the parties, subject matter and reliefs in the two cases are

not the same, I hold without further assurance that this suit is not an abuse of court process and that this suit is not frivolous, vexatious and oppressive.

ISSUE 3

Whether this Court has territorial jurisdiction to entertain this suit.

The submission of Dr.Ucheena Jerome Orji is that the claimant instituted this suit in a wrong jurisdiction as none of the defendants resides or carries on business in Abuja. He relied on the provisions of Order 3 of the Rules of this Court, 2018 which provides for the place or proper venue for institution and trial of suits, particularly Rule 4 thereof which provides:

- [1] *All other suits may be commenced and determined in the judicial division in which the defendant resides or carries on business.*
- [2] *Where there are several defendants who reside or carry on business in different judicial divisions, the suit may be commenced in any one of those judicial divisions subject to any order or direction the court may make or gives as to the most convenient venue for trial of the suit.*

The defence counsel further argued - as he did under Issue 1 - that the issues that gave rise to claimant's cause of action are predicated on acts of trespass to 1st defendant's said land in Ebonyi State within the territorial jurisdiction of the High Court of Ebonyi State. He submitted that this Court lacks the territorial jurisdiction to determine this suit.

The viewpoint of learned counsel for the claimant is that libel actions are commenced where the libellous materials are published and not where the defendant resides. He relied on the cases of **Dairo v. UBN Plc. [2007] 16 NWLR [Pt. 1059] 99, Ezagwu v. Adimorah [1993] 1 NWLR [Pt. 271] 620** and **Ezegbo&Anor. v. Igbokwe [2016] LPELR-40784 [CA]**. It was submitted that the libellous materials complained of were published online on the World Wide Web and it was universally accessible and published to the whole world. He concluded that this Court has territorial jurisdiction to entertain this suit.

In **Ezegbo&Anor.v. Igbokwe [supra]**, it was held that in an action for libel, the proper venue for adjudication of the matter is where the cause of action arose i.e. where the alleged libel was published and not necessarily where the defendant resides. Furthermore, in order to ascertain where the libellous matter is published, recourse must be made to the statement of claim. See also the decision of the Supreme Court in **Dairo v. UBN Plc. [supra]**.

In paragraph 13 of the amended statement of claim, the claimant averred that *“this defamatory publication is accessible online at <https://www.pmnewsnigeria.com/category/news/metro> and is circulated all over Nigeria and indeed the whole world, online.”* In the light of this averment and the principle in the above cases, I hold without much ado that this Court has territorial jurisdiction to entertain this suit. It does not matter that the defendants do not reside or carry on business in the Federal Capital Territory, Abuja.

CONCLUSION

The decision of the Court is that the preliminary objection lacks merit. It is dismissed. I award cost of N50,000.00 to the claimant/respondent against the defendants/applicants.

HON. JUSTICE S. C. ORIJI
[JUDGE]

Appearance of Counsel:

1. NkemakolamOkoroEsq. for the claimant/respondent.
2. C. K. Orji Esq. for the defendants/applicants.