

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA ON THE 7TH DAY OF FEBRUARY, 2022
BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE
SUIT NO.FCT/HC/PET/301/19

COURT CLERK: JOSEPH ISHAKU BALAMI & ORS.

BETWEEN:

HELEN ONYINYECHUKWU ONYECHERE.....PETITIONER

AND

ANSALEM UGOCHUKWU ONYECHERE.....RESPONDENT

RULING

I have read the application moved exparte. It is clear from the rules cited by Learned Counsel to the Respondent/Applicant as argued by him that a Notice of Appeal must be filed within the time allowed under the act and as allowed by the rules.

Where a person such as the Respondent/Applicant desires to appeal from this Court to the Court of Appeal, he should give notice of appeal or notice of his application for leave to appeal in such manner as may be directed by the Rules of Court and within the time allowed.

In this instance being an interlocutory matter in a civil case 14 days. The law is that the Respondent/Applicant must state good and substantial reasons for his failure to appeal within the prescribed period.

He must also show a ground of appeal which prima facie show good cause why the appeal must be heard.

See IBODO VS. ENANOFA (1980) 5 – 7 SC 42.

IWEKA VS. SCOA NIG. LTD (2000) 7 NWLR (PT. 664) 325 at 340 SC.

I have read the whole gamut of the Respondent/Applicant's Affidavit. He did not depose to the reasons why he could not file the Notice of Appeal of Appeal on time. The ground of appeal disclosed in the Notice of Appeal is such that can be taken and or incorporation in her final judgment.

The application in my view failed and it is refused. Suit stands adjourned.

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HON. JUSTICE U.P. KEKEMEKE
(HOH. JUDGE)
07/02/22

