

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT NYANYA
ON MONDAY 6TH JUNE, 2022
BEFORE HIS LORDSHIP: HON. JUSTICE EDWARD OKPE

SUIT NO. FCT/HC/CV/2375/2021
MOTION NO: M/5718/22

BETWEEN:

ISAAC IMO ----- CLAIMANT/RESPONDENT

AND

MRS. HALIMA HELEN TANKO ---- DEFENDANT/COUNTER CLAIMANT/APPLICANT

AND

- 1. AKPAN NYON UDOH**
- 2. EIGEGE SAMSON ADIKWU**
- 3. IMOH ISAAH WILLIAMS**
- 4. WHITE DOVE NIGERIA LIMITED ----- PARTIES SOUGHT TO BE JOINED**

RULING

By a Motion on Notice filed on 18/5/2022 Pursuant to Order 13 Rule 7 of The High Court of the FCT (Civil Procedure) Rules, 2018 and Section 6(6) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) under the inherent Jurisdiction of this Honourable Court wherein the Applicant seeks the following reliefs from the court:

- 1 AN ORDER** of this Honourable Court granting leave to the Defendant/Counter-Claimant/Applicant to join:
 - i. EIGEGE SAMSON ADIKWU**
 - ii. IMOOH ISAAH WILLIAMS**
 - iii. AKPAN NYONG UDOH**
 - iv. WHITE DOVE NIGERIA LIMITED as Co - Defendants to the Applicant's Counter - Claimant in this suit.**

2. **An Order** of this Honourable Court to directing consequential amendments of the originating and other processes in this suit to reflect the order of joinder sought.
3. **AND SUCH OTHER ORDERS** as this Honourable Court may deem firm to make in the circumstance.

On the face of the Motion are 4 grounds which are the basis upon which the applicant brought this application.

The motion is supported by 9 paragraphs affidavit deposed to by one ZainabSule, a Counsel in the Law Firm of Adamu Ahmed Ibrahim & Co. Also filed alongside is a written Address which the counsel to the applicant adopted during the hearing in urging the court to grant their application as prayed.

In opposition to this Motion, the Claimant/Defendant to Counter Claim, filed a Counter affidavit of 11 paragraphs on 25/5/2022 deposed to by one Ezekwesiri D. Imo Esq. Attached to this counter affidavit is a written address which his counsel adopted during the hearing of the motion and urged the court not to grant the application as prayed on the motion paper.

Upon being served with Claimant/Defendant to counter claim's Counter Affidavit, the Defendant/Counter claimant on 1/6/22 filed a further and better affidavit of 3 paragraphs in support of the Motion for joinder. Also filed alongside, is a reply on points of law to the claimant/respondent's counter.

I have carefully read and digested the written addresses filed in support of the motion and against same by the counsels for the respective parties and all the processes filed in connection with this motion. Reference will be made to them as the need arises. The case on either side may be gleaned from the salient paragraphs of their affidavit respectively filed in this regard.

The issue for determination herein is:

"Whether this kind of application can be granted by virtue of the facts and circumstances of this case."

Appearances: Precious Oriaku for the Claimant.
Fikayo Oniyitan for the Defendant

HON. JUSTICE EDWARD OKPE
(JUDGE)
6/6/22