

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 4, MAITAMA ON THE
7TH DAY OF MARCH, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE

SUIT NO. FCT/HC/CV/2203/2013
MOTION NO. M/6168/2021

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

ALLANSTABILIANI LIMITED CLAIMANT/RESPONDENT

AND

- | | | |
|---|---|----------------------------|
| <ul style="list-style-type: none">1. THE FEDERAL CAPITAL DEVELOPMENT AUTHORITY2. THE MINISTER OF THE FEDERAL CAPITAL TERRITORY3. ASIYA YUGUDA USMAN4. FARIDA ISHAQ5. RAKIYA USMAN | } | DEFENDANTS/
RESPONDENTS |
|---|---|----------------------------|

**REGISTERED TRUSTEES OF
CHRIST EMBASSY CHURCH PARTY SOUGHT TO BE JOINED**

RULING

This application brought pursuant to Order 13 Rules 4 and 19 of the Rules of Court prays for:

- (1) An Order joining THE REGISTERED TRUSTEES OF CHRIST EMBASSY CHURCH as the 7th Defendant in this suit.

(2) And for such further or other Orders as the Court may deem fit to make in the circumstances.

In the Affidavit deposed in support by Enwere Uyi, he averred that:

- (1) The party seeking to be joined was the first establishment to set up a visible presence in the entire district where the subject matter is situate.
- (2) That it evicted the herders in the entire area and constructed access road in the area.
- (3) That it installed transformers and brought electricity to the area.
- (4) That in 2006 it was allocated Plot 105, B02 by the Hon. Minister which abuts the subject matter.
- (5) That it applied to 1st Defendant for permit to use the adjoining Plot 1051 (now in dispute) as car park and recreation spot for its members, visitors and the general public.
- (6) That the application was approved. It is Exhibit A.
- (7) That the 1st Defendant executed a sublease to Applicant.

- (8) That the 1st Defendant has been in physical possession.
- (9) That Claimant refused to bring the Church's attention to this suit.
- (10) That it was a subsisting interest in the plot of land in issue.
- (11) That it is a necessary party.

The Claimant relied on its Counter Affidavit deposed to by Luka Bulus Achi. He was a Director of Parks & Recreation. That he did not sign Exhibit A. That Exhibit B was not issued by 1st and 2nd Defendants.

That the signature in Exhibit A does not represent his signature when compared with the letter of intent issued to 3rd Defendant.

I have also read the Written Address of the party seeking to be joined. The Address is filed by the Claimant is unsigned and undated. It is a worthless piece of paper. I shall therefore ignore it.

The party seeking to be joined also filed a Reply on Points of Law in accordance with Order 43 (4) of the Rules of Court. I have read same.

By Order 13 (4) of the Rules of Court, *“Any person may be joined as Defendant against whom the right to any relief is alleged to exist whether jointly, severally...”*

The party sought to be joined in its Affidavit deposes that the 1st Defendant granted it a sublease. That it has been in physical possession.

The Claimant in its Counter Affidavit deposes that the permit granted the party seeking to be joined is fake. That it was not signed by the party who purportedly signed same. That the party seeking to be joined has no interest in the subject matter.

The law is that a necessary party to a suit is a party who is not only interested in the subject matter of the

proceedings, but also a party in whose absence the proceedings could not have been fairly dealt with.

Consequently, without him being a party, the Court may not be able to effectually and completely adjudicate upon and settle all questions in controversy.

The test to determine whether a party is a person having an interest in a matter is whether the person could have been joined as a party to the suit. An interested party includes a person that will be affected or aggrieved or likely to be aggrieved by the proceedings.

In my humble view, the party seeking to be joined is a necessary/interested party. It is also claiming an interest in the subject matter.

The matter would not be effectually and completely adjudicated upon without it being joined.

The Affidavit evidence of the party seeking to be joined is not controverted. The application therefore succeeds. It is granted as prayed.

The Claimant shall amend its processes to reflect the Order for joinder herein made.

HON. JUSTICE U. P. KEKEMEKE
(HON. JUDGE)
07/03/2023

Parties absent.

John Abah Augustine, Esq. for the Claimant/Applicant.

A. I. Anuku, Esq. for the 1st and 2nd Defendants.

A. G. Inyadu, Esq. for the 3rd Defendant.

Chuks Udo Kalu, Esq. for the Party sought to be joined.

COURT: Ruling delivered.

(Signed)
HON. JUDGE
07/03/2023