

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT NO. 4, MAITAMA ON THE

13TH DAY OF JULY, 2023

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

SUIT NO. FCT/HC/CV/2178/2020

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

MRS. UCHECHI AMAECHI ONUOHA CLAIMANT

AND

1. ADAMU ABUBAKAR
2. JOHN ZUBAIR
3. THE HON. MINISTER, MINISTRY OF
THE FEDERAL CAPITAL TERRITORY, ABUJA } DEFENDANTS

RULING

The claim before this Court is a declaration that the Claimant is the only person entitled to a Right of Occupancy over all the plot of land situate and known as Plot 320 within Karu Village Extension Layout covered by Abuja Municipal Area Council's Letter of Offer of Terms of Grant/Conveyance of Approval dated 11/06/1998 bearing the name Jim Obatoyinbo with File No. KG51807 (old Number KG8126), etc.

The Claimant opened his case and testified as PW2. He said in paragraph 9 of the claim and 10 of his Oath referring to a Deed of Assignment between IORNONGO IWAGA and BARRISTER HAUWA IGOMU.

He identified the document and Claimant's Counsel sought to tender same in evidence. The 1st and 2nd Defendants' Counsel objected on the ground that the document sought to be tendered is a registrable instrument. That the document is not pleaded as receipt of transaction but was pleaded to establish title.

Learned Counsel to the Claimant on the other hand canvasses that an unregistered land instrument is admissible if it confers an equitable interest in land.

I have read and considered the objection and the reply with the authorities cited. The admissibility or otherwise of an unregistered registrable instrument depends on the purpose for which it is being sought to be admitted. If it

is being tendered for the purpose of proving or establishing title to land or interest in land, it will not be admissible. If it is tendered only to show that there was a transaction between the grantor and the grantee, it will be admissible.

See **BABALOLA vs. ANI (1973) NSCC 108.**

AKINGBADE vs. ELEMOSHO (1964) 1 ANLR 154.

The Claimant pleads in paragraph 9 of the Claim that he shall rely at the trial of the suit on the Power of Attorney and Deed of Assignment between Barrister (Mrs.) Hauwa and the original owner of the land.

The Claimant pleaded his root of title to the land to Mr. Iornongo Iwaga in paragraph 8 of the Claim.

There is no doubt that the document is being tendered to prove title. In fact, the first relief is a declaration that the Claimant is the owner of the land in question as a result of the document sought to be tendered.

What the Claimant seeks is not an equitable title but a legal title. The document sought to be tendered is not registered in accordance with Section 15 of the Land Registration Act. It is not therefore admissible. It is marked REJECTED 1.

HON. JUSTICE U. P. KEKEMEKE
(HON. JUDGE)
06/07/2023

Claimant present.

Defendant absent.

C. S. Orpin, Esq. with Mohammed Igomu, Esq. for the
Claimant.

P. O. Oghagbon, Esq. for the 1st and 2nd Defendants.

C. A. Ogbodo, Esq. for the 3rd Defendant.

COURT: Ruling delivered.

(Signed)
HON. JUDGE
13/07/2023