

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GARKI ABUJA
BEFORE HON. JUSTICE S. B. BELGORE

CLERK: CHARITY ONUZULIKE
COURT NO. 10

SUIT NO: FCT/HC/CV/612/12
DATE: 10/03/2023

BETWEEN:

ALHAJI KABIRU K. NAMODA.....PLAINTIFF

(Suing through his Attorney Banksways International Ltd.)

AND

- | | | |
|---|---|-------------------|
| <ol style="list-style-type: none">1. MINISTER, FEDERAL CAPITAL TERRITORY2. FEDERAL CAPITAL DEVELOPMENT AUTHORITY3. BOLAJOKO AYODELE KUFORJI | } | DEFENDANTS |
|---|---|-------------------|

JUDGMENT
(DELIVERED BY HON. JUSTICE S. B. BELGORE)

STATE OF PLEADINGS

The Plaintiff

The 1st and 2nd Defendants

The 3rd Defendant

EVIDENCE BEFORE THE COURT

Exhibit A

Exhibit B

Exhibit C

Exhibit C¹

Exhibit D

Exhibit E

Exhibit F¹

Exhibit F²

Exhibit F³

Exhibit G¹

Exhibit G²

Exhibit G³

Exhibit G⁴

ISSUES FOR DETERMINATION

“Whether considering the fact and circumstances of this case and having regard to the pleadings and Evidence before this Honourable Court, the Plaintiff has been able to prove his case to be entitled to the reliefs sought.”

ATTORNEY GENERAL OF LAGOS
STATE VS. PURIFICATION TECHNIQUES NIG. LTD (2003) 16 NWLR
PART 845 Page 1@14

“A Defendant who fails to call evidence in proof of the averments in his pleadings would be deemed to have abandoned all paragraphs of his Statement of Defence in which he jointed issues with the

Plaintiff. However, the abandonment will not extend to those paragraphs of the Statement of Defence in which he admitted averments in the Statement of Claim.”

**ATTORNEY GENERAL OF LAGOS STATE VS.
PURIFICATION TECHNIQUES NIG. LTD (Supra)**

“Equity will not allow anybody to approbate or reprobate at the same time. Consequently, a Defendant who has admitted some averments in a Plaintiff’s Statement of Claim will not be allowed to abandon such admission by failing to adduce evidence at all in support of his Statement of Defence”.

**ALHAJI BAKER MULIMA & 1 OR. VS. HAJIA AISHATU
USMAN & 3 ORS. (2014) 16 NWLR PT. 1432 Page 160@190.**

**MTN NIGERIA COMMUNICATIONS
LTD VS. EZUGWU EMMANUEL ANENE (2018) LPELR-44447 (CA),
SOSANYA VS. ONADEKO & ORS (2000) 21 WRN 43 and EDOKPOLO
VS. ASEMOTA (1994) 7 NWLR (PT. 356) 314.**

See Reuben Ogbonnaya Vs. Hyginus Iloka (2012) LPELR – 19689 (CA), LAWSON VS. AJIBULU (1997) 6 NWLR (PT. 507) Page 19 and Locus Classicus case of IDUNDUN V. OKUMAGBA (1976) Vol. 10 NSCC 445.

A. OSAGIE (DECEASED)
(SC) or (2009) 18 NWLR Part 1173 P. 299

VINCENT U. EGHAREVA VS. JOHN
DR. O. (2009) LPELR – 1044

“It is how firmly settled that documentary evidence, is the best evidence. It is the best proof of the contents of such document and no oral evidence, will be allowed to discredit or contradict the contents thereof except where fraud is pleaded. See the case of the ATTORNEY – GENERAL BENDEL STATE & 2 OR. V. UNITED BANK FOR AFRICA LTD (1980) 4 NWLR (Pt. 337) 47 @ 563 – Per Oputa, JSC”.

MANSUR

**ABDULLAHI VS. ALHAJI MOHAMMADU JABBO BANI (2014) 17
NWLR PART 1435 Page 1 at Page 16**

“Where there is a subsisting right of occupancy, it is good against any other right. The grant of another right of occupancy over the same piece of land will therefore be merely illusory and invalid. The grant of an earlier right of occupancy subsists as far as it has not been revoked and the wrongful grant of a subsequent right has no effect whatsoever on its authenticity”.

MADU VS. MADU (2008) 6 NWLR Part 1083 Page

“A person who is granted Certificate of Occupancy over land is entitled to hold the land to the exclusion of any other person unless and until the certificate is for good reasons revoked by the issuing authority or the grant is found void and set aside by a Court of Law”.

**NAPOLEON S. ORIANZI VS. THE A. G. RIVERS STATE & 3
ORS. (2017) 6 NWLR Part 1561 Page 224@268-269 (Paras A-C, 272,
Para A, 298, Paras B-F).**

S. B. Belgore
