

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT COURT NO. 4, MAITAMA

ON THE 19TH DAY OF JUNE, 2024

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

CHARGE NO. FCT/HC/CV/3249/17

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

BETWEEN:

MR. ISAAC ABIODUN.....CLAIMANT

AND

- | | | |
|-------------------------------------|---|---------------|
| 1. MRS. JOY ABIODUN | } | ...DEFENDANTS |
| 2. ISOY INVESTMENT NIGERIA LTD | | |
| 3. THE REGISTERED TRUSTEES OF THE | | |
| LIGHTHOUSE MINISTRIES INTERNATIONAL | | |
| (THE LIGHTHOUSE CHURCH) | | |

R U L I N G

The Motion seeks for an order joining the Applicant as the 4th Defendant in this suit. It is supported by a 14 paragraphs Affidavit.

The resume of the Affidavit is that 1st Defendant applied to the Minister of FCT for allocation of land. That the land was allocated to the 1st Defendant viz Plot No. 18 Cadastral Zone A04, Asokoro District vide an Offer of Statutory Right of Occupancy.

That 1st Defendant accepted the offer of Statutory Right of Occupancy. That the 1st Defendant offered for sale the said Plot to the party seeking to be joined for a consideration of N250 Million.

The party seeking to be joined instructed its Obinna Ezeochi of Obinna Ajoku & Co. to conduct legal search at AGIS and the report stated that there was no encumbrance.

The 1st Defendant consequently donated an Irrevocable Power of Attorney and executed a Deed of Assignment to the party seeking to be joined. That the party seeking to be joined has built a mansion on the property. That the party seeking to be joined has prepared a Statement of Defence.

The Claimant is resisting the application for joinder. He filed a Counter Affidavit of 4 paragraphs. The deponent states that the Applicant has no interest in the property. That 1st

Defendant did not sell the property to the party seeking to be joined. That construction was ongoing by the 1st Defendant despite the pendency of this suit. That the purported sale was almost two years after the institution of this action.

I have also considered the Written Addresses of Counsel. By Order 13 Rule 4, any person may be joined as Defendant against whom the right to any relief is alleged to exist whether jointly, severally or in the alternative.

The law is that a party interested or an interested party in the subject matter of a suit can seek to be joined either at the trial or in the Appellate Court.

In either case, he has to show an interest in the subject matter of the litigation.

See *OKOLI VS. OJIAKOR (1997) 1 NWLR (PT. 429) 48.*

For a person to be joined as a party in an action. It must be shown that the person is entitled to some share/interest in the subject matter or lay claim to some share/interest or is likely to be affected by the result of the action or is a necessary party and or it is just and convenient to join him.

See *OGUNBULE VS. ADEBANJO (2006) 2 NWLR (PT. 964) 319.*

I have read Exhibit D & E Power of Attorney and Deed of Assignment executed in favour of the party seeking to be joined.

Exhibit E shows clearly that the subject matter of this suit has been signed to the party seeking to be joined.

Joinder of parties enable the Court to effectually and completely adjudicate on the matter in controversy between the parties once and for all. It encourages efficient dispensation of justice and avoids duplicity.

The party seeking to be joined is an interested party having shown his interest in the property in issue. It is a necessary party. Without it the case cannot be effectually and effectively disposed off.

The application succeeds. The party seeking to be joined is hereby joined as the 4th Defendant in this case.

HON. JUSTICE U. P. KEKEMEKE, ACI Arb (UK), FICMC
(HON. JUDGE)
19/06/2024

Parties absent.

No legal representation.

COURT: Ruling delivered.

(Signed)

HON. JUDGE

06/06/2023