

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE NYANYA JUDICIAL DIVISION**  
**HOLDEN AT COURT 7 NYANYA ON THE 16<sup>TH</sup> DAY OF MARCH, 2021**

**BEFORE HIS LORDSHIP: HON. JUSTICE U.P. KEKEMEKE**  
**SUIT NO. FCT/HC/CV/1396/2020**

**COURT LERKS: JOSEPH ISHAKU BALAMI & ORS.**

**BETWEEN:**

**AREMU ADEOLA .....CLAIMANT**

**AND**

- 1. ABAHAM BUDALE )**
- 2. MC BUDY PROPERTIES LIMITED ).....DEFENDANTS**

**MRS. ADEDAYO ADEBAYO ADEOLA ....PARTY SOUGHT TO BE JOINED**

**RULING**

By Order 13 Rule (1) of the High Court of the Federal Capital Territory (Civil Procedure) Rules, all persons may be joined in one action as claimants in whom any right to relief is alleged to exist whether jointly or severally and judgment may be given for such claimants as they may be found to be entitled to without any amendment.

I have also read the Affidavit. The Affidavit evidence is that Mrs. Adedayo Adebayo Adeola is the wife of the Claimant.

That she has some facts within her knowledge that can help establish the case having been part of the transaction, the subject matter of the Suit.

The question to ask is whether the party sought to be joined is a necessary Party.

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 would not be fairly dealt with.

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

In my view this case can be properly and completely resolved without joining the Party sought to be joined.

The fact that she has some facts within her knowledge is not enough reason why she should be joined as a party. She can be called as a witness.

The application lacks merit and it is dismissed.

Suit is further adjourned to 22/06/21 for hearing.

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**HON. JUSTICE U.P. KEKEMEKE**

**(HON. JUDGE)**

**16/03/21**