

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA- ABUJA

THIS MONDAY THE 19TH JUNE, 2023

BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI

SUIT NO: FCT/HC/CV/901/202

BETWEEN:

- 1. INCORPORATED TRUSTEES OF THE REDEEMED
CHRISTIAN CHURCH OF GOD**
- 2. PASTOR CHINEDU EZEKWESILI..... CLAIMANTS**

AND

KEYSTONE BANK LIMITED..... DEFENDANT

RULING

This ruling is on a preliminary objection with motion no: M/5820/2023 dated 8/03/2023 filed on the 9/03/2023. The motion is brought pursuant to order 43 rule 1 of the high court of the FCT civil procedure rules 2018, sections 830 and 831 of the CAMA Act, 2020, section 6(6) of the CFN 1999 (as amended)

The defendant/applicant is praying the court for the following reliefs:

- 1. An order striking out or dismissing this suit limine for being incompetent as the claimant lacks locus standi to institute this action and this court is robbed of jurisdiction to entertain same.**
- 2. And for such other orders or further orders as this honourable court may deem fit to make in the circumstance.**

The grounds upon which these objections are predicated are as follows.

- 1. This suit is purportedly instituted by the incorporated trustees of the Redeemed Christian church of God as the 1st claimant on the strength of which the 2nd claimant is a co claimant is defeated as both Claimants lack the locus stand to institute same as as there is no direction or resolution of board of trustees, association council or governing body authorizing this suit.**
- 2. The claimant's lack of locus standi to institute this suit as the condition precedent for instituting this action has not been met and this court lacks the jurisdiction to entertain same on grounds of want of locus standi.**
- 3. The 1st claimant is an incorporated trustee, a corporate entity registered under part f of the companies and allied matters act (CAMA) 2020.**
- 4. By section 830(1)(c) of the CAMA 2020, the trustees shall have power to sue and be sued**
- 5. By section 837 of the CAMA 2020 the powers vested upon the trustees by or under this act shall be exercised subject to directions of the association or the council or the governing body appointed under section 836 of the act.**
- 6. The 2nd claimant is not a trustee of the 1st claimant as at the time this suit was commenced.**
- 7. The 2nd claimant as sole witness of the claimant did not disclose them against the defendant and there is no averment or statement in the pleading showing that the board of trustees of the 1st claimant authorised the suit**
- 8. the resolution or authority under which this suit was instituted by The 2nd claimant being a non-trustee cannot sue in personal capacity or jointly with the 1st claimant without any authorisation to enforce the contract between the claimant and the defendant.**
- 9. This honourable court lacks the jurisdiction to entertain this suit and same should be struck out for want of locus standi of the claimants.**

Attached to the P.O. is an affidavit of 7 paragraphs deposed to by one Jane OchuoleAjah of No ii EbituUkiwe street Jabi FCT Abuja i.e. exhibit marked A titled, (status report) of 11 pages and a written address in support of the notice of preliminary objection of 7pages.

The claimant/respondent on being served with the defendant/applicant's P.O filed the claimant/respondent's written address in opposition to the P.O filed by the defendant dated the 16-03-2023 & filed on the same date.

The defendant/applicant in turn filed a reply on points of law in response to the claimant/respondent's written address in opposition to the defendant/applicant P.O of 6 pages.

The defendant/applicant in it's written address formulated two issues for determination to wit.

- 1. whether the claimant has the capacity to institute this suit and same should not be struck out or dismissed for want of locus standi.**
- 2. whether this honourable court does not lack the jurisdiction to entertain this suit having been instituted without locus standi of the claimants.**

The claimant/respondent in it's written address also formulated three issues for the court's determination to wit.

- 1. whether the claimants as necessary parties have the capacity to institute this suit and whether this hon court should decline jurisdiction where the proper parties are before the court.**
- 2. whether it is not the claimants statement of claim that should be considered at this stage in order to determine whether or not the proper parties are in court.**
- 3. whether there is any known law in our Jurisprudence that requires an incorporated trustee of limited liability company to issue authority to itself through aa board resolution and front load same before it can sue or defend an action in its corporate name.**

This court after careful consideration of the issues so formulated by both the defendant/applicant counsel and that of the claimant/respondent I shall adopt

same as mine as the issues are distinct from each other hence we shall have five issues in all to be decided upon.

Issue one

"whether the claimant has the capacity to institute this suit and same should not be struck out or dismissed for want of locus standi."

This issue as stated is the same as no2 and the defendant/respondent argued the both issues together. This equally goes to issue no 3 of the response of the claimant/respondent.

Before proceeding I shall briefly discuss the issue of locus standi.

Locus standi or standing is the legal right of a party to an action to be heard in litigation before a court of law or a tribunal without any inhibition, obstruction or hindrance from any person or body whatsoever. see Charles v government Ondo state (2013) 2NWCR Pg. 294.

A person has locus standi to sue in an action if he is able to show to the satisfaction of the court that his rights or obligation have been or are in danger of being infringed. There are two tests for deeming if a person has locus standi.

They are.

- 1. the action must be justifiable and**
- 2. there must be a dispute between the parties.**

In applying the tests, a liberal attitude must be adopted to have locus standi, the plaintiff's statement of claim must disclose sufficient legal interest and show how such interest arose in the subject matter of action see PM LTD V The M.V dancing sister (2012) 4 NWCR pg. 169 (SC)

Based on the above it is the argument of the defendant/applicant in its written address where he stated that the claimant/respondent are incompetent parties to institute this case, having not met the condition precedent to sue in their personal capacity, he submits that the claimant being an incorporated trustee registered under the companies of allied matters act 2020 is a corporate entity who can sue and be sued, by it's registered name subject to the direction of the association or the council or the governing body or board of trustees, as the case

may be either of these bodies are the ones who carry out the will of an incorporated trustees as a corporate entity with perpetual succession.

Ref to S.830(1) (a-c) of CAMA 2020 provides thus

From the date of registration, the trustees shall become a body corporate by the name described in the certificate and shall have

- a. perpetual succession**
- b. a common seal if they so wish**
- c. power to sue and be sued. in it's corporate name as such trustees and**

The incorporated trustees have the power to sue and be sued in its corporate name but however S.837 of the CAMA 2020 provides that

"The power vested in the trustees by or under this act can be exercised subject to the direction of the association, or the council or the governing body appointed under section 836 of this part"

Thus he referred the court to the case of Incorporated trustees of the Assemblies of God Nig. V Okogele&others (2022) LPECR-58252 (CA) where the court held thus

"the provision of section 596,601 &602 of the CAMA are as follows

section 596 CAMA

From the date of registration, the trustees shall become a body corporate by the name described in the certificate and shall have perpetual succession, a common seal if they so wish, power to sue and be sued in its corporate name as such trustees or trustee is subject to section 602 of this act to hold and acquire, and transfer, assign or otherwise dispose of any property of interest therein belonging to, or held for the benefit of such association.

Section.601 CAMA

The association may appoint a council or governing body which shall include the trustees and may subject to the provision of this part of this Act assign to it such administration and management function as it deems expedient.

Section.602 CAMA

The power vested in the trustees by or under this act can be exercised subject to the direction of the association, or the council or the governing body appointed under section 601 of this act as the case may be.

He Submitted that the provisions reproduced above are clear and unambiguous and deserve a literal explanation, therefore, upon a lucid reading of the said provisions, it leaves no one in doubt that upon incorporation of an association, the powers to own properties, superintend and administer internal affairs of the association, assigns, possess or otherwise dispossess of the properties of the association is vested with trustees. it is the implied intendment of the said provision that the power of the trustees shall be exercised as shall be directed by the association in accordance with the constitution of the association. Per James GamboAbundaga JCA pp. 61-63 para E-A.

Submitted based on the above cited sections and judicial authority, the board of trustees, being a governing body of the 1st claimant and the powers vested in it by the Act can only be exercised by the regulation of the board of trustees and not any other person and this can only be done by a resolution with their common seal signed by the trustees.

That this suit is purportedly brought by the 1st claimant as there is nothing to show it was authorised by itself or it's board of trustees or it's governing board as there is nothing in the pleading in support of this.

furthermore, that the 2nd claimant's sole witness in this suit is not a trustee of the 1st claimant and has not been shown any letters of authority empowering him to maintain this action. He submits that the 2nd claimant has no capacity to sue in this suit, particularly that the 1st claimant has about 13 trustees name of whom none is a party and there is nothing to show that the suit as constituted was authorised properly, he urged the court to dismiss this suit in limine for want of locus standi, of the claimant.

In response the claimant/respondent counsel, submit that a combined reading of s.830(1)(c) by CAMA, 2020 as well as order 13 rules 1,2&3, 14(i)18(i) and 25 of the High court of the FCT civil procedure rules 2018 clearly shows that the claimants are proper and necessary parties before this court. He Submits that it is the claimant's claims that the court ought to peruse in determining what the cause of action is and it will be in the interest of justice to have the claimant ventilate their grievances before this honourable court, where the defendant/applicant has committed infractions against the claimants. It is upon

this that the court will proceed in the determination of whether it has the proper jurisdiction to entertain this suit. Referred to National insurance commission & Anor v Olugboche Anne Ochenechi & Anor (2021) All FWCR (PT 408) 638 and 696 para A, where the court of appeal held thus

"In determination of what the cause of action will be in a suit the court must look only at the statement of claim"

Submitted that a close perusal of the claimant's statement of claim will leave your lordship with no doubt at all that the claimants are proper and necessary parties before this court, urging the court to peruse the entire statement of claim before it particularly paragraphs 1,2,4,5,6,7,8,9,10,11 & 12 respectively to find that the claimants has locus standi, to initiate this action. On this he referred the court to para 1,2 & 8 of the statement of claim.

Paragraph 1: "The 1st claimant is a religious organization and is registered under the laws of the FRN and is operating within the jurisdiction of this court.

Paragraph 2: "The 2nd claimant is the officiating pastor superintending over the activities of one of the 1st claimants branchesituates at Asokoro, within the jurisdiction of this Honourable court, otherwise referred to as (RCCG Glory Tabernacle) that the 2nd claimant is equally one of the signatories to the 1st claimant's Bank accounts maintained with the defendant, occupying the position as 'signatory A' based on the mandate submitted by the claimants to the defendant.

Paragraph 8: That on the 29th day of april,2019 the claimants addressed two separate letters to the defendant entitled "REACTIVATION/CHANGE/REMOVAL OF SIGNATORIES" signed by pastor Dan Ogun and OlayinkaTonade, wherein pastor Dan Ogun was named as signatory 'A' and replaced with the 2nd Defendant and Pastor OlayinkaTonade was equally removed and replaced with Dons. OladeindeModupe A. as well as the letter entitled "OUR ACCOUNT MANDATE/ CHANGE OF TRANSACTION ALERT "notifying the defendant that the claimant account transaction shall henceforth be signed by signatory 'A' with any signatory 'B'. Whereas for the Transaction Alert, the transaction notification should be sent to the phone number 08034503483.

Further submitted that from the paragraph of the statement of claim, that the defendants themselves have long accepted the mandate of authority of the 1st claimant to enable the 2nd claimant act as their representative in running and operating the said accounts with the defendant (even as signatory A) whose authority the defendant has never questioned for once, but accepted wholeheartedly when the going was good. The 2nd claimant had even written letters to the defendant/applicant on behalf of the 1st claimant while their banker-customer relationship lasted and this without any question from defendant/applicant. He Submits that the defendant cannot in law approbate and reprobate at the Same time, referred to Mallam Saidu Ammi V Yakubu Iyanda (2008) NCC FWCR. (PT416) 1864 AT 1887 para. E.G. where his Lordship held that "parties cannot be allowed to approbate and reprobate at the same time."

The defendant/applicant on point of law referred to paragraph 27 of the defendant/applicant of their argument relied on the rule of this hon court, in submitting that the claimant has locus stand, to the court has jurisdiction to entertain this suit.

That section 830 (1)(c) of the CAMA 2020 should be read in line with section 837 of the CAMA 2020 which subjected the power given to an incorporated trustee in the same act to be exercised subject to the direction of it's governing body which represents it's will and mind. On this he submits in reply to the submission in the afore stated paragraph that the rules of the high court of the FCT Abuja (civil procedure) rules 2008 are subsidiary legislation (CAMA 2020) enacted by the national assembly. Thus he referred the court to the case of Briciwate V Skye Bank PLC (2012) LPECR-15532 where the supreme court held thus.

"the rules of a court must be subject to the applicable law, legal practitioner Act, rules of court must bow before legal practitioner Act ruling passed by the national assembly"

See Ukeri v EFFCC (2016) LPELR-45624 (CA) Submits that even though the reference order of the court by the defendant is not applicable to the case of the applicant's application as cited by the respondent as it borders on the joinder or misjoinder it is found relevant to the instant application they are subject to the provision of CAMA, 2020 being the act of the national assembly as same prevails.

Further submitted that the applicant's application is not whether there is a cause of action in the instant suit, but that the claimant have no locus standi.

That cause of action is distinct from locus standi, and where there is cause of action without locus standi, the proceedings fails. Thus he referred the court to the case of Association of Civil Servants of Nigeria & ors v JUSUN & ors (2014) LPECR 24185 Where it was held that.

"That canvassed the issue of either locus stand or cause of action before the court. No doubt these two canopies are later related and are most often raised on the facts as presented by the plaintiff and thus can be determined only on the facts as averred to in the statement of claim or deposed to in the supporting affidavit to the originating processes, in law they remain two distinct concepts, the other concepts cannot exist without the one which is very crucial. Let me explain, a cause of action can exist without the requisite locus standi, in that the person that approached the court to seek redress and thus must fail but locus standi: cannot exist without cause of action. in other words, for there to be locus standi there must be a cause of action but reverse is not necessarily so."

Urge this court to discountenance the argument of paragraph 2-8 of the respondent address.

The claimant on issue three before the court as to whether there is any known law in our jurisprudence that requires an incorporated trustee of a limited liability company to issue authority to itself through a board meeting and front load same, before it can sue or defend an action in its corporate name. On this the respondent submits that each of section 830(1)a-c, section 832, 836, 596, 602 & 601 CAMA are separate sections standing independently of each other and carrying the definition and meanings attached to each of them, and one section does not necessarily flow into or continue from the other. For example section 830(1) a-c of CAMA as quotes on paragraph 3-8 of the Defendant/applicant's written address is unambiguous and to the effect that "from the date of registration the trustees shall become a body corporate by the name described in the common seal if they so wish. (c) power to sue and be sued in its corporate name.

Submitted that section 836 of CAMA is not connected to the power of locus of the incorporated trustees to sue and be sued but rather on how the internal

running and operation of the association should be carried out, particularly as the incorporated trustees is a body of persons without a head, eyes, heart etc.

Further submitted that the law recognized categories of persons who can sue and be sued in the court. they are natural persons with life, mind, brain and physical body and the other being persons or institutions having juristic personality (as in this case) on this submits that there is no known law in our jurisprudence that requires an incorporated trustee (on limited liability company) to issue authority to itself through a board resolution and grant the said authority so issued to itself, before the incorporated trustee can sue or defend an action in its corporate name. He submits that they do not equally know of any law that provides for artificial person to sue only in the name of their trustees or to issue resolutions to enable any of its officers who it has given consent to act on its behalf, and who has indeed been acting and so recognized to front load such instrument of authority threat. Reference to the case of Enterprise bank LTD V Meens Nig Ltd (2015) ALL FWCR- (273)1999 AT 2022-2028 para a-b where it was held thus

"upon Its incorporation a company acquires loyal personality and is therefore capable to sue and be sued in its name and being an authorized person can function through its officers"

Submitted that in respect of the above case, "its officers" and not its trustees as registered in CAC, That in the instant case. it is not in doubt, & defendant/applicant did not contradict that fact that 2nd claimant/respondent has been acting as an officer of the 1st claimant as contained on paragraph 2-8 of the statement of claim to be an officer of the Defendant/Applicant. 2nd claimant is signatory 'A' of the account that the defendant has been alleged to have unlawfully taken over leading to this suit, he has been lodging monies into the said account, making withdrawals, had written letters to the Defendant/Applicant etc. reference to the case of Rebold Industries LTD V Magreola JELR-55356 where in this case it was held thus.

"Not being a party to the agreement by the well-established principle of privity of contracts the respondent had no locus stand to sue under the said agreement"

Submits that this case is not relevant to the instant suit as what is before the court is not the issue of privity of contract, and quite contrary to that case both the 1st and 2nd claimant (who is the signatory 'A' to the claimant's account are

definitely privies to the banker/customer relationship that existed between the claimants and the defendant.

Finally submitted that the 1st claimant and the 2nd claimant are proper and necessary parties and have locus standi, to institute and prosecute this case. He Further submits that, the 1st claimant does not require any resolution to be issued to itself neither does it require any resolution to be issued to the 2nd claimant or front loaded alongside the statement of claim. urged the court to strike out or dismiss applicant's preliminary objection with substantial cost.

Thus on points of law by the claimant /respondent counsel, he submits that s.830 be read along with section 836 & 837 of the CAMA 2020 and holds that the decision of a corporate body or legal entity is through its decision making body as authorised by its decision making body as authorised by its Articles of Association or constitution as the case may be and a governing board. that the law does not intend to allow any tom dick and harry to take decisions on behalf of a corporate entity as purported by the respondent. On paragraph 3-4 of the respondent where it states "particularly as the incorporated trustees is an artificial person without a head, eyes, heart etc, thus he adopted the same submission but that the incorporated trustees being a legal entity & a legal person can only have its will done by the governing body or trustees and not just any desiring member or members of the society and as such its action to enforce a contractual relationship can only be done by authorization or resolution. On This he referred the court to the case of *Haston(NIG)LTD VACBPLC (2002)39 WRN 1* where it was held thus.

"It is firmly established that no person can institute an action in the name of a company unless it is instituted on the authorisation of the company upon resolution of the board of directors or the resolution of the shareholders. This is so because where an injury has been done to a company it is the company that has the right of the action and not any of the members or groups of shareholders, acting together"

Submitted that the incorporated trustees having the same status with company as legal entity could only sue with authorisation or resolution or direction of the board of trustees that the information submitted to CAC as contained in the status report (EXHIBIT A) annexed to the applicant's application shows the governing board of the 1st claimant is the board of trustees, It applies that its decision could only be authorised by same.

Further that the claimant/respondent who argued that to determine the cause of action, the statement of claim should be looked into has now turned around to say that it is not necessary to show to this court in the statement of claim with front loaded documents the capacity under which the claimants are suing and how the suit was authorised, an argument which in his opinion amounts to self-contradiction, blowing hot and cold at the same time, approbating and reprobating. On this he submitted that uncontroverted depiction of facts in an affidavit are deemed admitted by the adverse party. On this he referred the court to the case of Back Treasure Much LTD V Governor of Anambra state & Anor (2019)LPECR-48359(CA) and the case of Mabajide v Otto (2016) LPECR-26058(SC) & Inegbeolon v Selo-ojemen & Anor (2013)LPECR-19769(SC) "It is trite law that where averments in an affidavit either because it is expressly admitted or because it is impliedly admitted by the omission of appellant to controvert it , it ceases to be in controversy between the parties and no evidence is required or admitted to prove such fact"

as in the case of Komolofe v FRN(2018)LPECR-44496(SC) thus:

"the law is settled beyond argument that facts admitted requires no further proof"

Therefore, we submit that the claimant having admitted all the facts in the affidavit as the true facts in this case, urge this court to rely on same and grant this application in the interest of justice and on the whole urges the court to discountenance the argument of the respondent in opposition of this application as same is baseless, unfounded and cannot hold water and further holds that this application has merit and grant same in the interest of justice.

I have carefully gone through the submission and arguments on parties to this notice of objection, cases and statutes cited therein and wish to state that the issues boil down to locus standi of the claimant to institute this action, on this I wish to state as follows

That it is trite law that companies assume a legal personality upon its incorporation. The company as an artificial person cannot act in its own person but can only act through its organs and agents. The organs of the company otherwise known as the alter ego in comparison to the board of directors and members in the general meeting. The board of directors comprises of all the duly appointed or elected directors by the shareholders or members in the general meetings. Because of the relationship between the company and the

directors which has been judicially described as that of the principal and the agent. The company mostly acts through the officers/agents of the company instructively in *Orji V Anyaso* (2000)2 NWCR (PT643)1, the court held:

"It is not act of officer of a limited liability company that binds the company as principal. Those whose acts bind the company are the alter ego those persons now because of their position are the directing mind and will of the company, the very alter ego and corporate personality of the company"

Likewise, in the case of *N.N, S.L. VS Alhaji Hamajoda Sabana & co ltd & 2ors*, (1988)2 NWCR(PT74)23, the court held thus

"A company is an abstraction it therefore acts through living persons but it is not the act of every servant of the company that binds the company. those whose acts bind the company are the alter ego and corporate personality of the company,"

Hold that the holding of the courts with regard to the position of the directors appears to sue the company directors the leeway to act on behalf of the company which will subsequently bind the company without requisite authority of the company/board of directors?

Consequently, the common law position in the popular case of *Foss V Harbottle* (1843)67 ER 189, to the effect that when a wrong is committed against a company, it is only the company that can legally sue. This view by implication is the purport of section 299 of the CAMA however since the directors of the company direct and manage the affairs of the company, it is not uncommon that the directors may sue or authorise the activation of government process on behalf of the company in the best interest of the company.

However, it must be noted that the individual director of a company lacks the capacity to institute or authorise the institution of action in any court of law in the name of the company without due authorisation from the board of directors: this is the position of the court in *Stephen Ogbemor & sons sawmill ltd vs chief John Osamede Adun* (2016) ALL FWCR (PT860) 16622 CA,

The relevant gist of the case was that Roland Ogbemor instituted an action on behalf of the company for declarative reliefs and injunction. He falsified as PW1 in the High court of Edo state, Benin Judicial division. The defendant raised the issue of the competence of the PW1 to institute the action on behalf

of the company without due authorisation as an issue. The PW1 under cross examination testified that as the chief executive officer he was authorised by the company to sue but never tendered any document evidencing such authority by the company. the trial court found the plaintiff non competent to institute the action on behalf of the company and Struck out the action for lack of jurisdiction since the proper plaintiff was not before the court. The plaintiff being dissatisfied with the trial court's decision appealed unsuccessfully to the court of appeal. The court of appeal's position was that where the competence of a person to institute an action in a court of law is in issue, the plaintiff has that burden of proving same when called upon to do so, otherwise the matter is deemed incompetent and is liable to be struck out. The court appeal relied Heavily on the supreme court's case of Adegokemoton LTD v Adesanya (1989)3 NWCR (PT109) 250 Although the court of appeal while hearing the appeal ordered striking out of the suit in place of the final court's order for dismissal. The ratio of the court of appeal by per Salawa JCA PA 1118-1119 para EC. is hereby reproduced as follows for the purpose of clarity.

"In the instant case Mr Roland Ogbebor, had testified under cross examination Stating thus 'I was authorised by the company to sue. The authority by the company will be in the office, I have list of directors, it is in my office, I have document in the office appointing me as chief executive officer'"

Ironically throughout the period of the trial of the matter lasted at the court below, the pw1 did not deem it expedient to tender the purported document evidencing that he was actually authorised by the appellant to institute the instant action on their behalf. The purported letter appointing him chief executive officer of the appellant equally remains a mystery exclusively known to the plaintiff. This court was reported to have aptly analysed the well settled principle to the effect thus.

"A managing director has no power to authorise the institution of legal proceedings in the company's name without requisite authority from the board of directors or share holders"

I decided to cite this case to line it with the instant case at hand which to my mind is different; while in the instant case it is the submission of the learned counsel to the defendant/applicant that by the provision of section 596,601,& 602 of the CAMA 2020 the board of trustees being the governing body of the

1st claimant is the alter ego of the 1st claimant and the power vested in it by the act can only be exercised by the resolution with their common seal signed by their trustees that this suit is purportedly brought by the 1st claimant and there is nothing to show that it was authorised by itself or its board of trustees or governing body as there is nothing in the pleading in support of this other than that the 2nd claimant who is the sole witness in this suit is not a trustee of the 1st claimant and has not shown any power or letter of authority empowering him to maintain this action and submits that the 2nd claimant has no capacity to sue in this suit, particularly that the 1st claimant has about 13 trustees, none of whom is a party and there is nothing to show that the suit as constituted was authorised.

This the claimant on paragraph 1 of the statement of claim stated

“The 1st claimant is a religious organization duly registered under the laws of the FRN and operating within the jurisdiction of this court.

And paragraph 2

"The 2nd claimant is the officiating pastor superintending over the activities of one of the 1st claimants branch situated at Asokoro, within the jurisdiction of this Honourable court, otherwise referred to as (RCCG Glory Tabernacle) that the 2nd claimant is equally one of the signatories to the 1st claimant Bank accounts maintained with the defendant, occupying the position as 'signatory A' based on the mandate submitted by the claimants to the defendant.

Paragraph 8

“Equally refers submit that from the paragraph of the statement of claim, that the defendants itself has long accepted the mandate of authority of the 1st claimant to enable the 2nd claimant act as their representative in running and operating the said accounts with the defendant (even as signatory A) whose authority the defendant has never questioned for once, but accepted wholeheartedly when the going was good.

From the submission of both counsel i can hardly believe the submission of the claimant/respondent counsel and to this effect I accept the submission of the argument by the defendant/applicant, that despite para 1,2&8 the claimant/

respondent needs the resolution of the board of directors authorising it to sue in the capacity on which the present suit is brought. Exhibit A attached is merely a status report and not a board resolution.

Accordingly, hold that that the claimant/respondent lacks the locus standi to institute this action. Accordingly, this suit is hereby struck out.

As to the cost order parties to bear their respective costs.

This is the ruling of this court.

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HON. JUSTICE A. Y. SHAFI

APPEARANCE:

1. T. A. Salami for the claimant
2. Defendant Counsel not in court.

