

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO – ABUJA**

THIS 24th DAY OF MARCH, 2025.

BEFORE: HON. JUSTICE JUDE O. ONWUEGBUZIE – JUDGE

**SUIT NO: FCT/HC/CV/2681/2024
MOTION NO. M/15205/24**

BETWEEN

WALI MANSOOR KURAWA

(SUING THROUGH HIS LAWFUL ATTORNEY

MUHAMMED ALHAJI MUSA)CLAIMANT/RESPONDET

AND

HON. CORNELIUS NNAEDOZIE NNAJIDEFENDANT/APPLICANT

RULING

INTRODUCTION

By a Motion on Notice dated the 13th day of November, 2024, and brought pursuant to Order 41 Rules of the FCT High Court (Civil Procedure) Rules, 2018 and Under the Inherent Jurisdiction of the Honourable Court.

The Applicant prays for the following reliefs:

1. AN ORDER of this Honourable Court consolidating Suit No. FCT/HC/CV/2681/24 Between WALI MANSOOR KURAWA(SUING THROUGH HIS LAWFUL ATTORNEY MUHAMMED ALHAJI MUSA) and Suit No. FCT/HC/CV/3056/24 Between HON. CORNELUIS N. NNAJI AND ALHAJI WALI M. KURAWA & 2 ORS which are currently pending before this honourable court to be heard and determine together on their merits, all being sister cases with the same facts and issue.

AND For such further order(s) as this Honourable Court may deem fit to make in the circumstances.

The GROUNDS of the Application are as follows:

1. The suits emanates from the same dispute between the Applicant and the Respondent.
2. The cases pending before the Honourable Court are sister cases with the same facts involving the same Claimant and Defendant.
3. The subject matter of the various suits is challenging the ownership of the property in dispute and the payment of outstanding rent.
4. The determination of the substantive issue in one of this suit will apply to the other suit verbatim.
5. It is in the interest of justice to grant this Application.
6. This Honourable Court has the jurisdiction to grant this Application.

The application is supported by a seven paragraph affidavit deposed to by one Ifeanyi Okoli a legal practitioner in the office of the Counsel to the Defendant/Applicant. Annexed with the affidavit is Exhibit A and B respectively. In compliance with the rules of this Court the Applicant filed a written address as his legal submission in support of this motion.

The Claimant/Respondent in his response files a 13 paragraph Counter-Affidavit in opposition deposed to by Muhammed Alhaji Musa, the lawful attorney of the Claimant. In compliance with the rules of this court, the Claimant/Respondent filed a written address as his oral argument in opposition to the motion.

THE DEFENDANT/APPLICANT'S CASE

That the suit No. FCT/HC/CV/2681/24 pending before the Honouble Court is for recovery of premises from the Defendant who is the bonafide owner of the property known as Plot 441 in Maitama district cadastral zone A05 FCT, Abuja(otherwise known and called House No. 8 Vernern Crescent Maitama Abuja) while Suit No. FCT/HC/CV/3056/24 is challenging the ownership of the property in dispute. Copies of the two (2) suits are herewith attached as Annexure A and B respectively. That the determination of the substantive issues raised in Suit No. FCT/HC/CV/3056/24 will conclusively determine the outcome in Suit No. FCT/HC/CV/2681/24. That it is in the interest of smooth convenient and effective administration of justice to hear and determine the suit together in order to enable

the Honourable Court conveniently determine issues relating to the said matters and avert the possibility of delivery conflicting judgments.

THE CLAIMANT/RESPONDENT'S CASE

That the suit sought to be consolidated are not on the same subject matter. That suit No. FCT/HC/CV/2681/24 filed by the Claimant/Respondent is with respect to recovery of premises and arrears of rent, while suit No. FCT/HC/CV/3056/24 filed by the Defendant/Applicant is for declarative relief of title. That all the parties and the subject matter in suit No. FCT/HC/CV/2681/24 and suit No. FCT/HC/CV/3056/24 are not the same. That the Honourable Court can effectively adjudicate on the both case without necessary consolidating them. That the Defendant/Applicant embarked on forum shopping to file his suit in the same Court to delay the Tenancy matter filed by the Claimant/Respondent in order to continue to perpetuate his stay in the property under reference under false claim of ownership. That other parties who are not parties to this suit will be over reached if the application is granted. That the Claimant/Respondent will be prejudiced by the grant of this application.

COURT'S ANALYSIS

It is clear that the main purpose of consolidation is to save time and costs, and will usually not be ordered unless there are some common questions of law or fact bearing sufficient importance in proportion to the rest of the subject matter of the actions, to render it desirable that the whole should be disposed of at the same time. There is also the fact that the right to reliefs arises out of the same transactions and are pending in the same Court. I am tempted to cite the case of **SPDC V. RACCAH & ORS (2022) LPELR-58736, (PP. 11-12 PARAS. D) (CA)**. The cases of **CHIEF UJILE D. NGERE & 1 OR VS CHIEF JOB WILLIAM OKURUKET XIV & 3 ORS (2015) SC ELC 1570 AT PAGE 1; NWOPARA OGBOGU & 7 ORS VS NWONUMA NDIRIBE & 5 ORS (1992) ELC 1873 SC** supports the above principle.

In the case of **USMAN V. FRN (2015) LPELR-40584(CA) (PP. 34-35 PARAS. A)** it was held thus:

On the essence of consolidation as espoused by Belgore JSC., in the case of IFEDIORAH V. UME (1988) NWIR (PT. 74) 95: 'The essence of consolidation is to save time and costs by avoiding a multiplicity of litigations where one will suffice. If for any reason in course of trial, the Court that ordered consolidation deems it expedient to deconsolidate, whether because those parties are not contesting the same issue or subject matter, or the parties are not the same and Justice would demand separate trials, deconsolidation will be ordered.' The revered Nnaemeka-Agu, JSC regarding the order of consolidation as made by the lower Court In the same case of IFEDIORAH V. UME had this to say: "... All he did was to make an arrangement for the convenience of the Court and the parties of disposing of the two cases before him together, instead of one after another. It was an arrangement which he could resile from or reverse if at any time it appeared to him that the interest of justice so dictated." Going by the foregoing authority, it is decipherable from the appeal before us that all the attributes necessary for resorting to consolidation whether it was applied for by any of the parties or ordered suo motu by the lower Court as the case may be are evident herein. In my humble opinion, consolidation is a sheer administrative procedure of the Court aimed at facilitating the legal process or machinery. Consequently, the Court can apply it even suo motu when the interest of justice as in the instant case calls for it. To this end the consolidation of the numerous motions which as earlier noted involve the same parties with same interest and before the same Court, was indeed the most convenient as well as time and costs saving arrangement the lower Court could adopt in the circumstance. Being an administrative arrangement the Court could resile from or reverse if at any time it appeared to it that the interest of justice so dictates, it follows that the same Court could at its discretion or suo motu consolidate issues or motions as it had done in the interest of justice." Per JOMBO-OFO ,J.C.A in usman v. frn (2015) LPELR-40584(CA) (Pp. 34-35 paras. A)

COURT'S DECISION

By a careful and combined reading of the two Suits FCT/HC/CV/2681/24 and FCT/HC/CV/3056/24) it is very clear that this court cannot arrive at a just

determination of any of the two suit without consolidation of the two suit. This Court does not think that the Claimant/Respondent will be prejudiced if this suit is consolidated.

However, if at any point in this Court notices that the Defendant/Applicant is delaying the quick and fast determination of both suits this Court pursuant to the authority of **USMAN V. FRN (supar)** Consolidation is largely for an administrative convince, being an administrative arrangement the Court could resile from or reverse if at any time it appeared to it that the interest of justice so dictates. Justice would demand separate trials, deconsolidation will be ordered.

The purpose of the consolidation is to avoid multiplication of trials on the same set of facts and issues and determine the suits in a single trial on the same facts and issues to save time and costs. I call in aid the case of **NASR v. COMPLETE HOME ENTERPRISE (NIG) LTD (1977) 5 SC (REPRINT) 1, IFEDIORAH v. UME (1988) NWLR (PT.74) 95 and the decision of this court in ILONUBA & ORS V. ANOSIKE & ORS (UNREPORTED DECISION IN CA/E/238/2007 DELIVERED ON 28-3-2014)** In their separate existence, they do not have the same fate. If the plaintiff in one of the suits decides not to continue his case, the other suit will continue.

In the final summation therefore, the application has a considerable merit subject to be granted and it is hereby granted as prayed on the face of the motion paper.

This is the ruling of the Court.

Hon. Justice Jude O. Onwuegbuzie