

THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY ABUJA
IN THE GWAGWALADA JUDICIAL DIVISION
HOLDEN AT COURT NO. 13, GWAGWALADA ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE A. S. ADEPOJU.
ON THE 5TH DAY OF JUNE, 2024

SUIT NO: FCT/HC/CV/1064/2018

BETWEEN:

1. MRS STELLA OSAS ADEJO
2. DOVEHOUSE INVESTMENT LIMITED
3. MR. AYOBAMI OYELEYE }CLAIMANTS/RESPONDENTS

AND

1. THE MINISTER OF THE FEDERAL
CAPITAL TERRITORY
2. FEDERAL CAPITAL DEVELOPMENT AUTHORITY
3. ABUJA MUNICIPAL AREA COUNCIL
4. PASTOR SUNDAY EBHODAGHE } DEFENDANTS/RESPONDENTS

AND

5. JOSHUA GANYOTOLO }
6. MRS. P. EKATA }PARTIES SEEKING TO BE JOINED

KEHINDE DARAMOLA for the Claimant/Respondent.
EBUKA EWENIKE for the party seeking to be joined.

RULING

The parties seeking to be through their lawyer filed the instant application No. M/8207/24 to join as 5th and 6th Defendants respectively. The facts in support are as contained on a 5 paragraph affidavit of one **Mrs. Grace Adeyemi**. The parties seeking to be joined also claim ownership of the subject matter in dispute and transferred, annexed various document as evidence of title to the said property. The documents are annexed as A - H respectively. In the counter-affidavit in opposition, the Claimant through their Deponent avers that the name of one of the parties seeking to be joined in this suit is **Mrs. P. Ekata Esene** wherein the name on the purported **Power of Attorney** linking

her to the property as shown on Annexure E is **Mrs. P. Ekata Esene**. That the Claimant/Respondents as per their statement of claim are seeking declarative reliefs and injunction against the Defendant in this suit in relation to **Plot No. 29, Sabon Lugbe Layout Abuja** and not **plot C29 Sabon Lugbe Abuja**. That the Claimants/Respondents do not have any claim against parties seeking to be joined. Both parties have filed their respective written addresses as their oral argument.

I have given a deep consideration to the application and all their supporting averments of both the claimant and the party seeking to be joined. In my view the court have the discretion to allow joinder of parties based on sufficient legal interest shown by the parties seeking to be joined. Furthermore, it is not for the court to entertain or go into the merit or demerit of the cause of action thrown up by the parties seeking to be joined in that aftermath. The test whether to join or not is therefore whether the person who seek to be joined will have his interest irreparably prejudiced if the order is not granted See the case of **OLAWOYE V. JIMOH & ORS (2013) LPELR 20344 SC**. The parties seeking to be joined have shown sufficient interest in the subject matter of dispute by their titled documents notwithstanding whether the description are the same or not. To me this is a matter for determination at the substantive suit. It is also important to state that if at the end of the day the parties ought not to be joined as defendants it does not defeat the cause of action as long as other persons remain as a party. See **IFEANYI CHUKWU (OSONDY) CO. LTD. V. SOLU BORCH (2000)LPELR 1432 SC. DIAMOND BANK V. HOLLST & ORS. (2015)LPELR 26023SC**. Consequently I hold from the fact and the document

adduced by the parties seeking to be joined, the application succeeds and are hereby allowed to be joined as Defendants in this suit.

Case is adjourned to 10/07/2024 for hearing. Fresh hearing notices are to be served on all the Defendants.

Signed

**Hon. Judge
5/06/2024**