

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU**

**SUIT NO: FCT/HC/GAR/CV/13/2023
MOTION NO: FCT/HC/M/15875/2024
DELIVERED: ON THE 28/04/2025**

BETWEEN:

SEN. (Dr.) DOMINGO A. OBENDE.....CLAIMANT/RESPONDENT
(Carrying on Business under the Name and
Style of Domingo Motors and Garages)
(Suing Through His Lawful Attorney
Mr. Adaralegbe Akintayo)

AND

1. HON. MINISTER OF THE FEDERAL CAPITAL TERRITORY }DEFENDANTS/
2. FEDERAL CAPITAL DEVELOPMENT AUTHORITY (FCDA) } RESPONDENTS

AND

PEACE BE STILL LIMITED.....PARTY SEEKING TO BE JOINED/APPLICANT AS THE 3RD DEFENDANT

RULING

This Ruling is at the instant of Peace Be Still Limited who through a Motion on Notice with Motion No. **M/15875/2024** approached this Hon. Court and sought for the following:

- (1) *An Order joining Peace Be Still Limited as the 3rd Defendant in this suit.*
- (2) *An Order that all the processes filed in this suit be served on the person seeking to be joined as 3rd Defendant.*

The grounds upon which the application is brought are as follows:

- (1) In compliance with the Judgment in Suit No. FCT/HC/M/2318/2022 the 1st and 2nd Defendants/Respondents restored plot No. 455 Cadastral Zone A09 Guzape District Abuja to Peace Be Still Ltd, the first and original allottee of the plot and a letter was issued to the Claimant Respondent revoking the Claimant's offered in respect of the subject matter.**
- (2) That the Claimant aggrieved by the decision of the 1st and 2nd Respondent filed this application and that there is no doubt that any decision to be reached by this Hon. Court will affect the Applicant's interest in plot No. 455 Cadastral Zone A09, Guzape District Abuja, the subject matter of this suit, as the Applicant is a necessary party.**

The said application is supported by a 24-paragraph affidavit deposed to by one Aliu Yusuf Sunday, Secretary of the Applicant.

In the affidavit in support of the motion, the Deponent stated that the subject matter of litigation been plot No. **455** Cadastral Zone **A09**, Guzape District, Abuja was allocated to the Applicant by the 1st and 2nd Defendants.

It is the deposition of the Applicant that at the time it commenced its housing project that the 1st and 2nd Defendants in 2002 set up Ministerial Committee on Land Records and Allocation to verify title documents in an investigation.

The Applicant avers further that at the end of the verification, the Defendants continued to hold on to the Applicant's title document, and this led to suit No. **FCT/AC/M/2318/2022** which Judgment was delivered on **06/03/2023** in favour of the Applicant.

That in compliance with the Judgment of the Court, the Defendants restored the subject matter to the Applicant. And that any decision this Court will make, will definitely affect the Applicant.

The Applicant annexed the following documents to the application to wit:

- (1) **Judgment in suit No. CV/2318/2022**
- (2) **Right of Occupancy**

A written address was filed wherein, the issue, “*whether the Applicant has made out a case for the grant of the reliefs sought*” was formulated for determination.

Learned Counsel argued the above issue citing relevant case law and statute in urging the Court to grant the Applicant the reliefs sought.

Reacting to the application under consideration, the Claimant filed a 17-paragraph counter affidavit deposed to by the Claimant’s lawful attorney himself.

It is the counter affidavit of the Claimant that its title over the subject matter predates the year 2002 as claimed by the Applicant. That it submitted its titled document for verification in the year, 2002.

That the Claimant’s case has nothing to do with setting aside any order or Judgment obtained by the Applicant but has to do with the Claimant titled over the subject matter.

That the Applicant not being privy to the transaction which culminated to all the instruments issued to the Claimant by the Defendants, the Applicant is not a necessary party as joinder of Applicant can only complicate the issue.

A written address was filed wherein the issue, *“whether, the Applicant, Peace Be Still Limited, satisfies the Legal requirements for joinder as a necessary party in the instant suit”* was formulated for determination.

Learned Counsel for the Claimant argued the above issue citing relevant case laws in urging the Court to dismiss the application.

On the part of Court, I have carefully read and considered the application of the Applicant seeking to be joined as 3rd Defendant on one hand, and the counter affidavit of the Claimant who is vehemently opposed to the joinder of the Applicant on the other hand, I shall be brief, but decisive in addressing the issue at stake in the overriding interest of justice.

Indeed, a person seeking to be joined as Defendant should have the same interest as the existing Defendant. **RE-MOGAJI (1986) 1 NWLR Part 19 page 760, AJAYI VS. JOLAYEMI (2001) 10 NWLR Pt. 722 at 520.**

Having regard to the circumstances of this suit, it appears to me that the question to be determined is whether the parties seeking to be joined is a party whose presence before the Court as 3rd Defendant will be necessary in order to enable the Court effectually and completely adjudicate upon and settle the questions involved in the cause or matter?

The first point that must be made here is that the joinder of persons or parties in one action as Defendants is clearly permissible under the provision of Order 13 Rule 4 of the Rules of this Hon. Court, 2025.

For the sake of emphasis, the order is hereby reproduced:

“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. Judgment may be given against one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment”.

However, two questions must be addressed by such person(s) to qualify for the joinder. That is

- (i) Is the cause or matter liable to be defeated by the non-joinder of the third party as a Defendant
- (ii) Is the third party a person who ought to have been joined as a Defendant so that he may be bound by the result of the trial or his presence before the Court as a Defendant is necessary in order to enable the Court effectually and completely adjudicate upon and settle all the questions involved in the cause or matter. See **AJAYI VS. JOLAYEMI (2001) 10 NWLR (Pt. 722) (Pp 29-30 para F –H).**

The governing principle which is a cardinal rule for the administration of justice is that determination of litigation must be in the public interest. Hence where the issues between the parties involve third parties whose interest are affected and the non-joinder of the party will result in further litigation, such parties are necessary parties. Therefore, those whose presence will be necessary for the effectual and complete adjudication of the matter before the Court are necessary parties. The Court with or without an application, can join them as parties.

Question: Is Peace Be Still Limited (the Applicant) a necessary party in this suit so much that its absent will affect the adjudication of the matter before this Court?

It is the averment of the Applicant that Plot No. **455** Cadastral Zone **A09** Guzape District Abuja was allocated to Peace Be Still Limited and that it was at about the time, it wanted to commence housing project in 2002

that a Ministerial Committee was constituted by the 1st and 2nd Defendants to verify title documents of allottees.

That it submitted its documents to the Committee and after investigation, the Committee held on to its document and he had to institute case No. **CV/M/2318/2022** against the 1st and 2nd Defendants which Judgment was given in its favour in 2023. The said Judgment was annexed as Exhibit 'A' the letter of offer was annexed as Exhibit 'B'.

In opposition to the motion, the Claimant stated that the Applicant seeking to be joined is not a necessary party and has not shown any interest whatsoever in being joined as co-defendant in this case. The Claimant also avers that the Applicant not been privy to the transaction which culminated to all the written instruments issued to the Claimant by the Defendants, the Applicant is not a necessary and proper party in this suit.

I have seen the Judgment annexed by the party seeking to be joined in this suit: The Judgment is between Praco Nigeria Limited, Engr. Success Obioma Vs. Mohammed Musa Bello and 7 Ors.

Similarly, the Applicant annexed Restoration of Right of Occupancy letter dated 07/07/2023.

It is instructive to reiterate here that, the overarching reason which makes it necessary to make a person a party to an action, is that he should be bound by the result of the action and the questions to be settled.

On whether the party seeking to be joined has any interest on the property the subject matter of litigation, it is obvious based on Exhibits **A** and **B**, which are unchallenged. It is equally established that the interest of the Claimant on the subject matter is in issue. It is thus my

finding that the Applicant is a necessary party for the just and complete resolution of the instant suit.

I shall therefore join the party seeking to be joined in the interest of justice. Consequently, an order is hereby granted joining Peace be Still Limited as the 3rd Defendant in this suit.

I further ordered that all the processes filed in this suit be serve on the 3rd Defendant after necessary amendments.

**SIGNED:
HON.JUDGE
28/04/2025**

APPEARANCE:

Adi. A. Danbeki, Esq, with J. E. Edoja, Esq, for the Claimant/Respondent

Cryril Irorakeor, Esq, with Nabila Abdullahi, Esq, for the 1st and 2nd Defendants

Abass Sani, Esq, for the party seeking to be joined