

KINGS LAW REPORTS

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Dedicated to the King of kings

O. O. NOEL ESQ. Chief Editor

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APPEALS - Technicalities - Duty of the courts - The emphasis is on doing substantial Justice - Rather than on technicalities. *Egolum v. Obasanjo* p. 1263

CONTEMPT OF COURT - Ex facie curiae contempt - As in the present case does not attract summary trial - Trial judge cannot therefore exercise her summary jurisdiction. *Omoijaha v. Umoru* p. 1339

CONTEMPT OF COURT - Ex facie curiae - May in some cases be summarily dealt with - In accordance with cardinal principles of fair process - And the matter should be placed before another judge in some cases - Where usual prosecution procedure must be followed. *Omoijaha v. Umoru* p. 1339

CONTEMPT OF COURT - In the face of the court - Contemptuous actions - Must be such that interfere with the cause of justice - Superior court can deal and punish for it summarily - But the power is to be used sparingly - And only in serious cases. *Omoijaha v. Umoru* p. 1339

CONTEMPT OF COURT - Trial - Order 42 rule 1 of former Bendel State High Court Rules - Court can make an order of committal under this order - After due hearing of the case - Subject to the type of contempt in issue. *Omoijaha v. Umoru* p. 1339

CONTEMPT OF COURT - Types of contempt - Are two - In facie curiae and ex facie curiae - A charge and a plea are necessary in case of the second type - And the accused is entitled to fair hearing. *Omoijaha v. Umoru* p. 1339

CRIMINAL PROCEDURE - Arraignment - Persons to be jointly tried on a charge - The requirement of s. 333 Criminal Procedure Law - Is complied with by reading and explaining it to the group. *Udeh v. The State* p. 1235

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ELECTION PETITION - Locus Standi - Person who had a right to contest an election - Petitioner claiming to be such a person - Should state how he acquired that right - In order to establish his locus standi. Egolum v. Obasanjo p. 1263

ELECTION PETITION - Noncompliance - Power conferred on the Court - By Decree No. 6 of 1999 - Paragraph 50(i) and (4) thereof - By virtue of it the court can overlook such noncompliance. Egolum v. Obasanjo p. 1263

EVIDENCE - Proof - Land law - Burden on plaintiff - To establish his claim upon relevant and credible evidence - Was not discharged by the appellant. Jiaza v. Bamgbose p. 1211

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LAND LAW - Appeals - Damages - Where trial court awarded N250.00 general damages - And there is no appeal against that award - Appeal Court will not alter it. Adebo v. Saki Estates Ltd. p. 1197

LAND LAW - Customary sale of land - Evidence of handing over

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- Plaintiff established sale to him under customary law. Adebo v. Saki Estates Ltd. p. 1197

LAND LAW - Family land - Sale or lease thereof - Alienation without the concurrence of the family head is void - Whereas sale by the head without the concurrence of principal family members - Is voidable. Jiaza v. Bamgbose p. 1211

LAND LAW - Title - As parties joined issues on title - Lower Court rightly considered whether appellant had established title. Jiaza v. Bamgbose p. 1211

LAND LAW - Title - Conveyances - Based on the conveyances - Both parties failed to establish title to the land in dispute. Adebo v. Saki Estates Ltd. p. 1197

LAND LAW - Title - Issue of title raised by the appellant - It became his duty to establish his title. Jiaza v. Bamgbose p. 1211

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COURT OF APPEAL

APPEALS - Fair hearing - Default judgment - Complaints by the appellants that they were not given an opportunity to be heard - The Courts are wont to listen to such complaints - As it is an important point of law. Rakol Clinic & Maternity Hospital Ltd. v. Supreme Finance & Investment Co. Ltd. p. 1361

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STAY OF EXECUTION - Application - For stay of execution pending appeal - Vital principles - Which guide the courts in determining such an application. Rakol Clinic & Maternity Hospital Ltd. v. Supreme Finance & Investment Co. Ltd. p. 1361

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Presidential Election (Basic Constitutional and Transitional Provisions) Decree No.6 1999; ss.2, 50, sch.4 parag. 5, 15(2) (a) and 50 (1) and (4) Egolum v. Obasanjo p. 1263