

# **KINGS LAW REPORTS**

## **(ALL SC/NOVEL CA)**

**(2001) KLR VOL 6 PART 124 pp. 1945 - 2124**

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**Dedicated to the King of kings**

**O. O. NOEL ESQ. Chief Editor**

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**EVIDENCE** - Circumstantial evidence - Whether the circumstantial evidence is consistent with the guilt of the accused - Is determined by surrounding circumstances (H 12) Udobre v. State p. 1945

**EVIDENCE** - Proof - Land matters - Where a plaintiff produces evidence - Entitling him to judgment - Defendant must lead evidence - To enable the court decide on which side the case preponderates (H 5) Adeleke v. Iyanda p. 1973

**EVIDENCE** - Standard of proof - Declaration of title - Such cases are decided on balance of probability - As in all civil cases (H 7) Adeleke v. Iyanda p. 1973

**EVIDENCE** - Standard of proof - Where as in this case the plaintiff has adduced satisfactory evidence - And none is available from the defendant - The case will be decided upon a minimum proof (H 8) Adeleke v. Iyanda p. 1973

**LAND LAW** - Appeals - Title - Identity of land - Location and identity of the parcel of land - Was clearly stated in the survey plan - And the courts below were in error to hold otherwise - And to decline to declare plaintiff owner of the land (H 2) Onagoruwa v. Akinremi p. 2055

**LAND LAW** - Ownership of land - Once a party is proved to be the owner - Anyone who is on the land without his permission - Is a trespasser ab initio (H 3) Onagoruwa v. Akinremi p. 2055

**LAND LAW** - Title - Claim for trespass - Puts title in issue - And plaintiff must prove ownership and or exclusive possession - In line with Idundun

v. Okumagba (H 1) Nwadiogbu v. Nnadozie p. 2081

**LAND LAW** - Title - Judgment - Where the plaintiff fails - To satisfy the court - On the strength of his case - That he is entitled to declaration of title - The proper order is a dismissal of his claim (H 4) Nwadiogbu v. Nnadozie p. 2081

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**LAND LAW** - Trespass - Whether or not there has been actual trespass - Can only be determined by the evidence led at trial - And no such evidence was led in this case (H 4) Onagoruwa v. Akinremi p. 2055

**LAND USE ACT** - Transfer of Title - Governor's consent - Will not be required to make the transfer valid - If the transfer was concluded - Before the Land use Act came into force on 29th March 1978 (H 1) Onagoruwa v. Akinremi p. 2055

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**PLEADINGS** - Contributory Negligence - May be pleaded - By adducing facts to that effect - Without specifically mentioning the defence by name

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(H 1) Ololo v. Nigerian Agip Oil p. 2101

**PLEADINGS** - Joinder of issues - Appeals - The lower courts - Were in error - To have held that issue of title - Did not arise for determination - When issues had been joined in the pleadings - On that point (H 3) Nwadiogbu v. Nnadozie p. 2081

**PRACTICE & PROCEDURE** - Appeals - Submissions - Every complaint or submission of appellants - Should be backed up by specific facts - To enable the court fairly decide on them (H 15) Udoebre v. State p. 1945

**PRACTICE & PROCEDURE** - Notice of discontinuance - Brings the action against the defendant to an end - And any judgment given against remaining defendants - Will not affect that defendant (H 2) Ogunkunle v. Cherubim & Seraphim p. 2115

## **INDEX OF STATUTES**

Land Use Act 1978 ss. 22, 26 Onagoruwa v. Akinremi p. 2055

Registration of Titles Law cap 166 vol 7 Laws of Lagos State ss. 5, 9, 31, 65, 52, 54, 61 Onagoruwa v. Akinremi p. 2055

Law Reform (Contributory Negligence) Act, 1945 Ololo v. Nigerian Agip Oil p. 2101

Marine Conventions Act, 1911 Ololo v. Nigerian Agip Oil p. 2101

Constitution of Nigeria 1979 s. 220, 221 and 222(a) Ogunkunle v. Cherubim & Seraphim p. 2115