

KINGS LAW REPORTS

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(2003) KLR VOL 2 PART 154 pp. 543 - 674

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INDEX OF CASES REPORTED

1. Joe Golday Ltd. v. Co-operative Development Bank Plc p. 543
2. Okeke v. State p. 571
3. Okochi v. Animkwai p. 633
4. Salubi v. Nwariaku p. 657

ii **INDEX OF SUBJECT MATTER IN (2003) 2 KLR**

ADMINISTRATION OF ESTATES - Residuary estate - Extent of - Residuary estate in cases of total intestacy - Includes the entire estate of the intestate - After payment of funeral and other liabilities (H2) *Salubi v. Nwariaku* p. 657

APPEALS - Courts - Findings of fact - Interference - Appellate court cannot reject findings of trial judge on evidence of witnesses - Unless such findings are perverse (H7) *Okochi v. Animkwai* p. 633

APPEALS - Courts - Findings of fact - Where trial court's findings are supported with enough evidence on record - Appellate court must approach such findings with due caution (H2) *Joe Golday Ltd. v. Co-operative Development Bank Plc* p. 543

APPEALS - Courts - Pleadings - Averments - Need to read - Court must read all paragraphs of pleadings together - To get a flowing story of the parties (H4) *Okochi v. Animkwai* p. 633

APPEALS - Evidence - Evaluation - As there was no proper evaluation of evidence by trial court - Supreme Court is right to interfere by reevaluating the evidence (H1) *Joe Golday Ltd. v. Co-operative Development Bank Plc* p. 543

APPEALS - Hearing - Missing records - Procedure to adopt - Where a material part of the record cannot be found - Court should order a retrial (H3) *Okochi v. Animkwai* p. 633

APPEALS - Hearing - On incomplete records - Conditions - Appeal must not be so heard unless parties consent on record to it - Or that the missing part is immaterial - That it cannot affect the decision therefrom (H2) *Okochi v. Animkwai* p. 633

BANKING - Customer's accounts - Consolidation - To ascertain financial worth of its customer - Bank may consolidate customer's accounts - Unless precluded by express or implied agreement (H5) *Joe Golday Ltd. v. Co-operative Development Bank Plc* p. 543

CONFLICT OF LAWS - Administration of estates - Applicable law -

Where common law is abrogated by passage of statute - The former must give way - And the latter must prevail (H1) *Salubi v. Nwariaku* p. 657

COURTS - Parties - Reliefs - Grant - Court must not grant a party what it has not asked for in clear terms and sufficiently proved - As court cannot make an order which is uncertain (H4) *Joe Golday Ltd. v. Co-operative Development Bank Plc* p. 543

CRIMINAL PROCEDURE - Arraignment - Charges - Since accused understood the charge and never complained against same - No miscarriage of justice was done (H2) *Okeke v. State* p. 571

CRIMINAL PROCEDURE - Arraignment - Principles - Accused must be placed before court unfettered - And charge is read and explained to him - With his plea taken thereto (H1) *Okeke v. State* p. 571

CRIMINAL PROCEDURE - Legal representation - There is no evidence that appellant's instruction - Was not followed by his counsel - Or that any of his counsel advised him wrongly (H4) *Okeke v. State* p. 571

CRIMINAL PROCEDURE - Trial - Duration - The length of the trial is immaterial - As all evidence given could be recollected by trial Judge - By re-reading the record of proceedings (H3) *Okeke v. State* p. 571

DAMAGES - Award - Correctness of - Court of Appeal made sound calculation by awarding N12,155,179 to defendant - As 6th plaintiff did not deny contents of exhibit 3 - And DW1 was not cross examined on same (H6) *Joe Golday Ltd. v. Co-operative Development Bank Plc* p. 543

EVIDENCE - Credibility - Basis - Belief or disbelief of evidence of parties - Does not depend on number of witnesses - But on the probative value of evidence - As evaluated by trial court (H6) *Okochi v. Animkwoi* p. 633

JUDICIAL PRECEDENTS - Case law - Citation by court - Correct-

iv **INDEX OF SUBJECT MATTER IN (2003) 2 KLR**

ness of - Court is entitled to invoke rules in case law - Without the prompting of parties (H5) Okochi v. Animkwoi p. 633

LAND LAW - Boundary - Proof - When boundary is in dispute - Plaintiff must prove by evidence - The identity of land he claims (H1) Okochi v. Animkwoi p. 633

MURDER - Insanity - Defence of - The defence cannot avail accused - Since the intoxication was self induced - Hence he is presumed to intend the natural consequence of his act (H5) Okeke v. State p. 571

PLEADINGS - Statement of claim - Averments in - Denial of -Averments in para. 6 & 7 of the claim were denied in para. 8 of statement of defence - Hence it cannot be argued that there was no denial (H3) Joe Golday Ltd. v. Co-operative Development Bank Plc p. 543

PROPERTY LAW - Party - Reliefs - Grant of - Where a party makes averment not related to relief sought - Court will not grant relief that would have followed the averment - Without amendment of the claim (H3) Salubi v. Nwariaku p. 657

INDEX OF STATUTES & RULES

Administration of Estates Law, s. 49(5) Salubi v. Nwariaku p. 657
Constitution of Federal Republic of Nigeria 1979, s. 33 (6) (a) Okeke v. State p. 571, s. 39(2) Salubi v. Nwariaku p. 657
Criminal Code Law, (Cap.36) Laws of Anambra State 1986 s. 274 (1), 333 Okeke v. State p. 571
Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Decree No.18 of 1994 Joe Golday Ltd. v. Co-operative Development Bank Plc p. 543
Land Use Decree, 178, s. 40 Okochi v. Animkwoi p. 633
Marriage Act, s. 36(1) Salubi v. Nwariaku p. 657