

CITATION (2003) 5 KLR

ISSN 1117-0530

# **KINGS LAW REPORTS**

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

**(2003) KLR VOL 5 PART 161 pp. 1373 - 1496**

**MAY 2003**

**Dedicated to the King of kings**

**O. O. NOEL ESQ. Founder/Publisher**

C. L. Onwuegbuna Esq. Chief Editor

## **INDEX OF CASES REPORTED**

MAY CONTD.

5. A-G Ekiti State v. Daramola p. 1373
6. Emuze v. V-C University of Benin p. 1423
7. Erhunmwunse v. Ehanire p. 1439
8. Irangunima v. Rivers State Housing Authority p. 1457
9. Okoebor v. Police Council p. 1467

ii INDEX OF SUBJECT MATTER IN (2003) 5 KLR

COURTS - Actions - Address - Relevance of - At close of case for the parties - Court must ask parties to address it - As a matter cannot be adjourned for judgment - Without court being addressed (H4) Okoebor v. Police Council p. 1467

COURTS - Chieftaincy - Findings of fact - Correctness of - Trial court rightly found that plaintiffs do not belong to Arojojoye house - Hence Court of Appeal should have upheld same (H3) A-G Ekiti State v. Daramola p. 1373

COURTS - Hearing - Objection to - Likelihood of bias - If a party raises such objection on the part of the judge - It is safer in the interest of justice - For the judge to refuse taking the matter (H2) Okoebor v. Police Council p. 1467

EVIDENCE - Appeals - Opinion of appellate courts - Where findings are as a result of inferences drawn from facts - Appellate court can more readily form its own opinion - Unlike where it is based on evaluation and credibility of witnesses (H2) A-G Ekiti State v. Daramola p. 1373

EVIDENCE - Courts - Findings of fact - Interference - Appellate court does not substitute its view for those of trial court - With respect to facts founded and supported by evidence (H1) A-G Ekiti State v. Daramola p. 1373

JURISDICTION - Determination - Basis - Though it is plaintiff's claim that determines jurisdiction - But in area court it is the reaction of defendant to testimony of plaintiff - That helps the court to so determine (H2) Erhunmwunse v. Ehanire p. 1439

JURISDICTION - Outer clause - Construction - Any enactment which takes away right of access to court - Ought to be constructed very narrowly - Against anyone claiming its benefit (H1) Emuze v. V-C University of Benin p. 1423

LAND LAW - Actions - Hearing - Proper court - Since title is in respect

of statutory right of occupancy granted by Governor - High Court has original jurisdiction - In respect of proceedings concerning such land (H3) Erhunmwunse v. Ehanire p. 1439

LAND LAW - Deed of assignment - Governor's consent - Time to obtain - Failure to obtain consent before deed is executed - Does not render such assignment null & void (H2) Irangunima v. Rivers State Housing Authority p. 1457

LAND LAW - Leases - Equity - Application - As evidence shows that 2<sup>nd</sup> respondent's predecessor-in-title did all he was required to do - Equity treats the parties as if the lease had been granted (H1) Irangunima v. Rivers State Housing Authority p. 1457

PLEADINGS - Law - Pleading of - Though some specific laws are required to be pleaded - It is not the law that any law relied upon must be pleaded (H3) Okoebor v. Police Council p. 1467

PLEADINGS - Statement of defence - Failure to file - Where defendant fails to file a defence - He is deemed to have admitted claims in statement of claim - And cannot lead oral evidence to the contrary (H1) Okoebor v. Police Council p. 1467

PROPERTY LAW - Title - Whether in issue - It is clear from evidence that appellant had put his title in issue - Having not paid rents to anyone - In respect of his occupation of the premises (H1) Erhunmwunse v. Ehanire p. 1439

STATUTES - Appointment - Termination of - Ouster clause - Public Officers (special provision) Decree - Termination of appellant's appointment did not fall within the statute - So as to oust jurisdiction of court (H3) Emuze v. V-C University of Benin p. 1423

STATUTES - Exercise of power - Condition precedent - Public Officers (special provision) Decree - It must be shown inter alia that the power is exercised by appropriate authority - Or any person authorized by him (H2) Emuze v. V-C University of Benin p. 1423

## INDEX OF STATUTES & RULES

Constitution of the Federal Republic of Nigeria 1979, s. 258(1)  
Okoebor v. Police Council p. 1467

Customary Courts (Amendment) Edit No. 5 of 1985, s.2 Erhunmwunse v. Ehanire p. 1439

Evidence Act LFN 1990, s. 149 Okoebor v. Police Council p. 1467

Federal Military Government (Supremacy and Enforcement of powers) Decree No.13 of 1984 Emuze v. V-C University of Benin p. 1423

Interpretation Act LFN 1990, s. 18(1) Okoebor v. Police Council p. 1467

Land Use Act 1978, s.39 Erhunmwunse v. Ehanire p. 1439

Ondo State Chiefs Edict 1984 A-G Ekiti State v. Daramola p. 1373

Police Act Cap 359 LFN 1990, ss. 98, 99, 100 (1), 105 (1) and (2) and 106 Okoebor v. Police Council p. 1467

Public Officers (Special Provisions) Decree No. 17 of 1984, s.4(2) Emuze v. V-C University of Benin p. 1423

Rent Control & Recovery of Premises Edict, 1977 Erhunmwunse v. Ehanire p. 1439

University of Benin (Transitional Provisions) Act Cap 452 LFN 1990