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(2008) KLR VOL 5 PART 254 pp. 1957 - 2186

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Dedicated to the King of kings

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an issue of jurisdiction - And may be raised for the first time - Even at
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JURISDICTION - Issue of - Primacy of - Issue of Jurisdiction when raised - Being a threshold question - Must be resolved first - Before further proceedings - Even under undefended list procedure (H6) Owners of MV "Arabella" v. Nig. Agric. Ins. Corp. p. 1977

MASTER & SERVANT - Contract of employment - Worker - Definition under the Labour Act - Include an agreement - Whereby one person agrees - To serve the employer as a worker - A worker is any that works with an employer - Under any form of contract, implied or oral (H1) Shena Security Co. Ltd. v. Afropak Ltd. p. 2125

MASTER & SERVANT - Contracts - Types - Determinant factors that court considers - Include manner of payment - Personal nature of the duties performed, etc - To determine whether contract of service or for service is entered into - Present case is one of service/employment (H2) Shena Security Co. Ltd. v. Afropak Ltd. p. 2125

MASTER & SERVANT - Employment - Terms & termination - Length of notice - Where unprovided for - Court will apply common law rule of reasonable notice - Reasonableness determined from intention of parties - As apparent from the terms (H3) Shena Security Co. Ltd. v. Afropak Ltd. p. 2125

ORDERS OF COURT - Jurisdiction - Lack of - Proper order - Where court finds - That it lacks jurisdiction to entertain an action - Proper order to make - Is an order striking out - Not an order dismissing the action (H4) Owners of MV "Arabella" v. Nig. Agric. Ins. Corp. p. 1977

ORDERS OF COURT - Nature of - Chieftaincy matters - Striking out order - Such order does not finally determine - Respective rights of parties in an action - These rights remain pending and can be

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PRACTICE & PROCEDURE - Rules of court - Noncompliance with - Proper sanction - Where noncompliance went to the jurisdiction of Court - Proceedings therein - Would be null and void - It is immaterial that defendant participated therein (H3) Owners of MV "Arabella" v. Nig. Agric. Ins. Corp. p. 1977

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INDEX OF STATUTES & RULES

Constitution of the Federal Republic of Nigeria 1979, ss. 1(1), 2(a), 3(1), 96(6)(b), 22(2), (3), (6) & 236(1) Military Gov. Ondo State v. Kolawole p. 2081; s. 19(1) Owners of MV "Arabella" v. Nig. Agric. Ins. Corp. p. 1977; ss. 220 (1) (a), 221 Owoh v. Asuk p. 2105

Court of Appeal Act 1976 Cap. 75, Laws of the Federation of Nigeria, 1990, s. 16 Annabi v. State p. 1957; s. 25 (2) (a) Owoh v. Asuk p. 2105

Court of Appeal Rules, 2002 O. 1 r. 19 Annabi v. State p. 1957; O. 3 r. 4 Owoh v. Asuk p. 2105

Electoral Act, 2006, and Election Tribunal and Court Practice Directions 2007 made thereunder Okereke v. Yar'adua p. 2039

Evidence Act, Cap. 62 of the Laws of the Federation of Nigeria, 1990, s. 138 Annabi v. State p. 1957; s. 227 Military Gov. Ondo State v. Kolawole p. 2081; s. 27(2) Fatilewa v. State p. 2011; s. 27(2) Fatilewa v. State p. 2011

Federal High Court (Civil Procedure) Rules 2000, O. 26 rr. 6 & 7, O. 27 r. 1, O. 47 r. 1 Okereke v. Yar'adua p. 2039

Federal High Court (Civil Procedure) Rules, 1976, O. 3, 10, and 27 rr. 1, 11, 12, 13 and 14 Owners of MV "Arabella" v. Nig. Agric. Ins. Corp. p. 1977

High Court of Lagos State (Civil Procedure) Rules, 1972, O. 22 rr. 3, 4 Williams v. Williams p. 2159

Labour Act, Cap. 198, LFN, 1990; S. 11(1) Shena Security Co. Ltd. v. Afropak Ltd. p. 2125

Lagos State Limitation Law, Cap. 70, Laws of Lagos State, 1973, now Cap. 118, Laws of Lagos State, 1994, ss. 6(2), 16(2)(a), 21 Williams v. Williams p. 2159

Lands Registration Law, s. 62 Williams v. Williams p. 2159

Ondo State Chiefs Edict (No. 11) of 1984, s. 16(10) Military Gov. Ondo State v. Kolawole p. 2081

Penal Code Law of Northern Nigeria, ss. 97(1) and 298 (c) Isah v. State p. 2025; ss. 45, 85, 95, 221, (a) and 222 (1) Annabi v. State p. 1957

Sheriffs & Civil Process Act, Cap. 407, LFN, 1990, ss. 96, 97, 98 & 99 Owners of MV "Arabella" v. Nig. Agric. Ins. Corp. p. 1977

Supreme Act, Cap 15, LFN, 2004, s. 22 Okereke v. Yar'adua p. 2039

Supreme Court Rules, 1985; O. 8 R. 12(2) Shena Security Co. Ltd. v. Afropak Ltd. p. 2125; O. 8 r. 12(2) Owners of MV "Arabella" v. Nig. Agric. Ins. Corp. p. 1977