

# **KINGS LAW REPORTS**

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ELECTIONS - Pre election - Jurisdiction - Is not ousted by Electoral Act 2010 s. 141 - As pre election can be nullified and order for fresh one made - But where not feasible aggrieved candidate can seek for damages (H4) *Eligwe v. Okpokiri* p. 3815

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JUDGMENTS - Mistake - Weight - For a mistake to result in setting aside judgment - The same must be substantial - In the sense that it affected the decision appealed against (H7) Adegbuyi v. All Progressives Congress p. 3733

LAND LAW - Evidence - Contradiction - In view of admission of the original title of 1<sup>st</sup> & 2<sup>nd</sup> respondents - And inability to show that the title has been divested - Contradiction here is of no moment (H6) Mulima v. Usman p. 3889

LAND LAW - Title - Admission of - Where defendants in their pleadings admit that plaintiffs were original owner - Onus is on the former to prove that the latter were divested of title (H2) Mulima v. Usman p. 3889

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LAND LAW - Title - Boundaries - Proof - As the parties were able to prove title via ownership and possession - Trial court rightly held that each party should keep part of the land - Proved as belonging to it (H3) Awodi v. Ajagbe p. 3787

LAND LAW - Title - Proof - Admission - By their averment that 1<sup>st</sup> & 2<sup>nd</sup> respondents were divested of title - And compensation paid which is not proved - Appellants have admitted title of the respondents (H1) Mulima v. Usman p. 3889

LAND LAW - Title - Revocation - Notice - 1<sup>st</sup> & 2<sup>nd</sup> respondent ought to have been notified - Thus making them aware that their right had been tampered with - And a cause of action would have arisen (H11) Mulima v. Usman p. 3889

LAND USE ACT - Acquisition - Proof - LUA s. 28(6) - Revocation of right of occupancy shall be signified by an authorized officer - And notice given to the holder - But 3<sup>rd</sup> & 4<sup>th</sup> respondents failed to prove acquisition (H3) Mulima v. Usman p. 3889

LAND USE ACT - Certificate of occupancy - Dead person - Status - Such a person ceases to have any legal personality from the moment of death - Hence the issuance of C of O to the dead man is unlawful (H4) Mulima v. Usman p. 3889

MANDAMUS - Application for - Validity - Having tied his grounds of application to pending suit - 1st respondent is bound to await outcome of the proceedings - His application cannot be granted (H3) Ikechukwu v. Nwoye p. 3845

ORDERS OF COURT - Consequential order - Meaning of - It is one which follows necessarily as being incidental to the principal order - And where the latter is refused - The former cannot be rightly made (H3) Eligwe v. Okpokiri p. 3815

ORDERS OF COURT - Mandamus - Conditions - Court must be satisfied that there is public duty to be performed - And that the officer concerned has refused on demand to perform the duty (H2)

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REGISTRATION OF INSTRUMENTS - Fraud - Title - Certificate of occupancy - Status - It is merely a prima facie evidence of a title it covers - And mere registration does not validate fraudulent instrument of title - Which is patently invalid (H5) Mulima v. Usman p. 3889

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ss. 1(2), 5(b) Alufohai v. State p. 3755