

SUPREME COURT OF NIGERIA
FRIDAY 17TH FEBRUARY, 2017. SC. 68/2006
CORAM:- O. RHODES-VIVOUR, M. D. MUHAMMAD,
C. B. OGUNBIYI, C. C. NWEZE, A. SANUSI, JJSC

1. MRS. ESTHER I. ADESIGBIN
2. MAGISTRATE ADIO
ADESIGBIN & 7 ORS APPELLANTS
AND
1. MILITARY GOVERNOR
LAGOS STATE
2. ATTORNEY-GENERAL
OF LAGOS STATE RESPONDENTS

JURISDICTION - Fundamental nature of - Where Court delivers judgment in a matter it has no jurisdiction - The whole proceedings no matter how well conducted - Would amount to a nullity (H1)

JURISDICTION - Land law - Acquisition - Compensation - Public Lands Acquisition Act 1976 confers jurisdiction on Lands Tribunal - To decide issue of compensation payable for land acquired by Government (H2)

JUDGMENTS - Binding nature of - As there was no appeal against judgment of Lagos State Lands Tribunal delivered on 10/11/1981 - The said judgment remains correct and cannot be set aside (H3)

JUDGMENTS - Enforcement - Appellants ought to have set in motion the process to enforce the judgment and appeal for interest - Rather than come by way of originating summons in High Court (H4)

FACTS

Before the High Court of Lagos State, plaintiffs/appellants by way of originating summons commenced this action against

the Military Governor of Lagos State and the State Attorney-General. They seek for the following reliefs inter alia, declaration that defendants/respondents have no legal justification for refusing to settle, since the 1st day of December 1981, the judgment debt of N1,141,631.20 payable to the 34 successful claimants in Suit No. LT/LS/IS/79 where the Lagos State Lands Tribunal had delivered judgment against respondents and a declaration that respondents have committed Contempt of Court by refusing to pay to the 34 Claimants in Suit No. LT/LS/IS/79 the judgment debt of N1,141,631.20 contrary to the injunction in the judgment in the said suit No.LT/LS/IS/79. The genesis of the matter is that the Government of Western Nigeria acquired a vast area of land measuring 5,000 acres for public purposes. The land acquired was within Badagry, Ikeja and Lagos Island. The acquisition was Gazetted in the Western Regional Notice of Nigeria Gazette No. 28 Vol. 17 of 24/4/1958. Lagos State was created in 1967. The area of land acquired which fell within Lagos State was an area amounting to approximately 929.6 acres. There were several claims for compensation arising from the acquisition of the land.

Hence, in 1979, Lagos State Government filed Originating Summons before the Lagos State Lands Tribunal in Suit No.LT/LS/IS/79. The issue was for the Tribunal to decide the amount of compensation to be paid to the claimants and those of them entitled to it. In its judgment on 10/11/1981, the Tribunal held that the compensation for the 929.6 acres is N1,141,631.20. The Tribunal went on to say that the amount is to be paid to 34 claimants. However, no compensation was paid by the Lagos State Government and the Government did not appeal against the judgment of the Lands Tribunal. This prompted appellants to initiate the action at the High Court. Affidavit and counter affidavit were filed. At the end of the hearing, the learned trial Judge in a considered ruling ordered inter alia, that all awards not exceeding N7,000.00 shall be paid in full by respondents not later than 30th April 1986 and that 50% of all awards exceeding N7,000.00 shall be paid by respondents not later than 30th April 1986. Dissatisfied, appellants

appealed to the Court of Appeal Lagos Division. In its judgment, the Court affirmed the decision of the trial Court and dismissed the appeal. Aggrieved further, appellants appealed to the Supreme Court.

ISSUE FOR DETERMINATION

Whether the judgments of the two lower Courts are not a nullity.

HELD (Unanimously dismissing the appeal per **RHODES-VIVOUR JSC**)

JURISDICTION - Fundamental nature of

1. When a Court conducts proceedings in which it has no jurisdiction over the cause of action, the judgment given at the end of proceedings has no legal consequence, it binds no one. It is without effect, a nullity.

Jurisdiction is thus fundamental. It is the authority which a Court has to decide matters and it is well spelt out in the Constitution or a specific statute.

Jurisdiction is simply the legal right by which the Courts exercise their authority. Jurisdiction is so important in that it can be raised in the trial Court, on appeal, or in the Supreme Court for the first time and all that is necessary before it is heard on appeal is for the adverse party to be put on notice. I must emphasize once again that when a Court delivers judgment when it does not have jurisdiction the whole proceedings no matter how well conducted and decided would amount to a nullity.
(p. 10 C)

JURISDICTION - Land law - Acquisition - Compensation

2. It is clear that the Public Lands Acquisition (Miscellaneous Provision) Act 1976 confers exclusive jurisdiction on the Lands Tribunal to decide the issue of compensation payable to the appellants for their land acquired by the Government, and also the payment of interest in deserving cases. It follows that the Ruling of a Lagos High

Court in suit No. M/250/85 delivered on 21 March, 1986 was delivered without jurisdiction and the judgment of the Court of Appeal which affirmed that decision was also given without jurisdiction. You cannot put something on nothing and expect it to stand. Both judgments are null and void. (p. 11 D)

JUDGMENTS - Binding nature of

3. Appeals lie from the judgment of the Lagos State Lands Tribunal to the Court of Appeal. It is now over thirty-five years since the Tribunal delivered judgment. There was no appeal by any of the parties. Since there was no appeal, the judgment of the Lagos State Lands Tribunal delivered on 10th November, 1981 in suit No. LJ/LS/IS/79 is inviolate until set aside.

Since there was no appeal from this judgment of the Lands Tribunal, it remains correct and the parties are satisfied with it. (p. 11 F/12 E)

JUDGMENTS - Enforcement

4. The judgment of the Lagos State Lands Tribunal as with all Courts of competent jurisdiction take effect immediately upon delivery and the Tribunal has inherent jurisdiction to proceed to enforce such judgment forthwith. This jurisdiction of the Tribunal can only be suspended by a stay of execution provided there is an appeal. The appellants were wrong to come to a High Court to seek the award of interest on the judgment debt and payment of judgment debt. They ought to have set in motion the process to enforce the judgment and appeal for interest rather than come by way of originating summons. Filing a fresh action after judgment has been delivered to enforce the judgment and seek interest is unknown under any principle of law. (p. 11 H)

REPRESENTATION

L. A. O. Nylander, for the Appellants

A. Adeniji Kazeem, A.G and Commissioner for Justice, Lagos State
with I. Oshodi, Assistant Director Civil Litigation; O. Olanrewaju,
Chief State Counsel; J. I. Jacob, Principal State Counsel and O.
Osusanya Senior State Counsel, for the Respondents

B

CASES REFERRED TO

Vulcan Gases Ltd v. Gesel Sheff for Industries (2001) 9 NWLR
(pt. 719) 610

C

Okafor v. A-G. Anambra State (1991) 6 NWLR (pt. 200) 659

Kalu v. Odili (1992) 5 NWLR (pt. 240) 130

Anyanwu v. Ogunewe (2014) 1-2 SC (pt. ii) 49

Yar'Adua v. Yandoma (2014) 12 SC (pt. III) 64

D

Jev v. Iyortyom (2014) 5-6 SC (pt. III) 82

Amanabu v. Okafor (1966) ANLR 205

Cornelius Ltd v. Ezenwo (1996) 4 NWLR (pt. 443) 391

Mustapha v. Governor of Lagos State (1987) 4 SCNJ 143

E

STATUTES & RULES REFERRED TO

Public Lands Acquisition (Miscellaneous Provisions) Act 1979, s.
6

Constitution of the Federal Republic of Nigeria 1999, s. 240

Sheriff and Civil Process Judgment Enforcement Rules Cap 127 F

Vol. 7 Laws of Lagos State 1973, O. 9 r. 13

LEAD JUDGMENT BY RHODES-VIVOUR JSC

In 1958 there were no States in Nigeria. Nigeria was di-
vided into three Regions. The North, West and East. The Govern-
ment of Western Nigeria acquired a vast area of land measuring
5000 acres for public purposes. The land acquired was within
Badagry, Ikeja and the Colony (i.e. Lagos). The acquisition was
Gazetted in the Western Regional Notice of Nigeria Gazette No. H
28 Vol. 17 of 24/4/1958.

Lagos State was created in 1967. The area of land acquired
which fell within Lagos State was an area amounting to approxi-

mately 929.6 acres.

In 1979 the Government of Lagos State filed an Originating Summons before the Lagos State lands Tribunal (i.e. suit No.LT/LS/IS/79). The issue was for the Tribunal to decide the amount of compensation to be paid to the claimants and those of them entitled to it.

In a well considered judgment delivered on 10/11/1981 the Tribunal considered evidence of valuers, experts and listened to submission of counsel and concluded that compensation for the 929.6 acres is N1,141,631.20. The Tribunal went on to say that the amount is to be paid to 34 claimants. The amount to be paid to each of the 34 claimants can be seen on pages 23, 24 of the Record of Appeal. No compensation was paid by the Lagos State Government and the Government did not appeal against the judgment of the Lands Tribunal. So, on 27/12/1985 the Akingbaiye family and 23 others filed an Originating Summons against the Military Governor of Lagos State and the State Attorney-General of Lagos State for the following reliefs:

1. Declaration that the Defendants, that is the Military Governor of Lagos State and the Attorney-General of Lagos State have no legal justification for refusing or failing to settle, since the 1st day of December, 1981, the judgment debt of N1,141,631.20 payable to the 34 successful claimants in Suit No. LT/LS/IS/79 when the Lagos State Lands Tribunal had delivered judgment against them on 10 November, 1981 in the said Suit No. LT/LS/IS/79.

2. Declaration that the Defendants that is the Military Governor of Lagos State and the Attorney-General of Lagos State have committed a Contempt of Court/Tribunal by refusing or failing to pay to the 34 Claimants in Suit No. LT/LS/IS/79 the judgment debt of N1,141,631.20 contrary to the injunction in the judgment in the said suit No.LT/LS/IS/79.

3. Declaration that the Defendants, that is the Military Governor of Lagos State and the Attorney-General of Lagos State are liable in Law to pay to the 34 Claimants in suit No. LT/LS/IS/79 the sum of N456,652.40 being the interest payable on the judgment debt of N1,141,631.20 for a period of four years from 1st

December, 1981 to 30 November, 1985 at the rate of 10% per annum pursuant to Section 6 of the Public Lands Acquisition (Miscellaneous Provisions) Act, 1979 and the judgment in suit No. LT/LS/IS/79.

4. Declaration that the Defendants, that is the Military Governor of Lagos State and the Attorney-General of Lagos State are liable in Law to pay to the 34 claimants in suit No. LT/LS/IS/79 as listed in Exhibit “B” attached, the sum of N1,598,283.75 being the judgment debt of N1,141,631.20 and interest thereon at the rate of 10% per annum payable from the 1st day of December, 1981 to the 30th day of November, 1985 pursuant to the judgment in suit No. LT/LS/IS/79 and Section 6 of the Public Lands Acquisition (Miscellaneous Provisions) Act, 1979.

5. Declaration that the Defendants that is the Military Governor of Lagos State and the Attorney-General of Lagos State can be served with Form Nos. 48 and 49 pursuant to Section 63 and Order 9 Rules 13 of the Sheriff and Civil Process, Judgment Enforcement Rules Cap. 127 Volume 7, Laws of Lagos State, 1973 in order to try them for Contempt of Court for disobedience to the mandatory injunction in the judgment in suit No. LT/LS/IS/79 dated 10 November, 1981 that the Lagos State Government should pay the judgment debt of N1,141,631.20 without any further delay from 10 November, 1981.

6. An order that the Defendant that is the Military Governor of Lagos State and the Attorney-General of Lagos State should forthwith pay to the thirty-four claimants in suit No. LT/LS/IS/79 as listed in Exhibit “B” attached to the Affidavit in support of this Originating Summons the judgment debt of N1,598,203.75 which includes the interest payable as at 30 November, 1985 in the said suit No. LT/LS/IS/79.

7. Any further order or other orders that this Honourable Court may consider necessary to make in favour of the 34 claimants in suit No. LT/LS/IS/79 as listed in Exhibit “B” in the interest of justice.

Affidavit and counter affidavit were filed. Counsel addressed the Court, and in a considered Ruling delivered on 21 March, 1986,

Agoro J (as he then was) of a Lagos High Court made the following orders:

1. It is ordered that all awards not exceeding Seven Thousand Naira (N7,000.00) shall be paid or settled in full by the Defendants not later than 30 April, 1986.

B 2. It is ordered that fifty per centum (50%) of all awards exceeding Seven Thousand Naira (N7,000.00) shall be paid or settled by the Defendants not later than 30 April, 1986.

C 3. It is also ordered that the second set of payment being Twenty-five per centum (25%) of each award exceeding Seven Thousand Naira (N7,000.00) shall be paid or settled by the Defendants between the months of May and August 1986.

D 4. It is also ordered that the third set of payment being Twenty-five per centum (25%) of each award exceeding Seven Thousand Naira (N7,000.00) shall be paid or settled by the Defendants between the months of September and December, 1986.

E 5. It is further ordered that the instalment payments to be effected by the Defendants to the Plaintiffs shall be in accordance with the payment schedule attached to the counter-affidavit and marked Exhibit "C".

6. There will be no order as to costs.

F The plaintiffs/appellants were dissatisfied with the judgment only on the issue of interest, and so filed an appeal. The appeal was heard by the Court of Appeal, Lagos State Division.

On 22nd July, 2002 that Court affirmed the decision of the Lagos High Court and dismissed the appeal with costs of N5,000 to the respondents.

G This appeal is against that judgment. In accordance with rules of this Court, both sides filed and served briefs of argument. The appellants' brief filed on 31 May, 2016 was deemed duly filed and served on 21 November, 2016, while the respondents' brief was filed on 28 June, 2016.

H Learned counsel for the appellants formulated four issues from the grounds of appeal. They are:

1. Whether interest at the rate of 10% per annum is payable on the judgment debt of N1,141,631.20 in the sum of N456,652.40

for a period of four years from 1st day of December, 1981 to the 30th day of November, 1985.

2. Whether the use of an Originating Summons procedure at the High Court to seek the award and payment of interest was proper in the circumstances of this case.

3. Whether the Preliminary Objection of the Respondents complied with Order 10 of the Rules of the Court of Appeal for the Court of Appeal to rely thereon.

4. Whether the judgments of the two lower Courts are not a nullity.

On the other side, learned counsel for the respondents formulated two issues for determination of the appeal.

1. Whether interest at the rate of 10% per annum is payable on the judgment debt of N1,141,631.20 in the sum of N456,652.40 for a period of four years from the 1st day of December 1981 to 30 November 1985?

2. Whether the suit was competent having been commenced by way of Originating Summons?

At the hearing of the appeal on 21 November, 2016 learned counsels for the appellants' Mr. L. A. O. Nylander adopted the appellants' brief filed on 31st May, 2016 but deemed duly filed on 21 November, 2016. He urged this Court to allow the appeal for compensation and interest.

Learned counsel for the respondents' Mr. K. Kassim adopted the respondents brief filed on 28 June 2016 and urged us to dismiss the appeal.

To my mind, the only issue worth considering is Issue No. 4 formulated by the appellant. It reads:

Whether the judgments of the two lower Courts are not a nullity.

In a bid to enforce the decision of the Lagos State Lands Tribunal the appellants filed an Originating Summons before a Lagos High Court for reliefs earlier alluded to in this judgment but principally that the compensation awarded by the Tribunal at the rate of 10% per annum from 1 December, 1981 to 30 November, 1985 be paid to them. The High Court ordered that compensation

be paid to the appellants but declined to order the payment of interest. The Court of Appeal agreed with the High Court.

In his submissions learned counsel for the appellants observed that failure of the respondents to disclose at the trial Court in suit No. M/260/85 before Agoro (as he then was) and also at the Court of Appeal that the Lands Tribunal made a mandatory order that the respondents should pay the judgment debt of N1,141,63.20k without further delay amounted to suppression of facts which nullify the judgment of the High Court and Appeal Court. Reliance was placed on *Vulcan Gases Ltd v. Cesel Sheff for Industries* (2001) 9 NWLR (Pt. 719) p.610.

Learned counsel for the respondents did not respond to the above.

When a Court conducts proceedings in which it has no jurisdiction over the cause of action, the judgment given at the end of proceedings has no legal consequence, it binds no one. It is without effect, a nullity. See: *Okafor v. Attorney-General Anambra State* (1991) 6 NWLR (Pt. 200) p.659, *Kalu v. Odili* (1992) 5 NWLR (Pt. 240) p.130.

Jurisdiction is thus fundamental. It is the authority which a Court has to decide matters and it is well spelt out in the Constitution or a specific statute.

Jurisdiction is simply the legal right by which the Courts exercise their authority. Jurisdiction is so important in that it can be raised in the trial Court, on appeal, or in the Supreme Court for the first time and all that is necessary before it is heard on appeal is for the adverse party to be put on notice. I must emphasize once again that when a Court delivers judgment when it does not have jurisdiction the whole proceedings no matter how well conducted and decided would amount to a nullity. See further: *Sen. Anyanwu v. Hon. Ogunewe & 2 Ors* (2014) 1-2 SC (Pt. ii) p.49, *Yar'Adua & 9 Ors v. Yandoma & 13 Ors* (2014) 12 SC (Pt. III) p.64, *Jev & Anor v. Iyortyom & 2 Ors* (2014) 5-6 SC (Pt. III) p. 82.

On 10th November, 1981 the Lagos State Lands Tribunal

in its judgment awarded the appellants the sum of N1,141,631.20k (One million, one hundred and forty-one thousand, Six hundred and Thirty-one naira, Twenty kobo) for their land acquired by the respondents. The Tribunal also ruled that the appellants were not entitled to interest. The Public Lands Acquisition (Miscellaneous Provision) Act 1976 is the statute that confers exclusive jurisdiction on the Lands Tribunal to decide issues in respect of compensation payable on lands acquired by the Government and the payment of interest on delayed compensation. It is the Lands Tribunal that has jurisdiction to determine the amount of compensation and those entitled to it.

Section 16 of the Public Lands Acquisition (Miscellaneous Provision) Act 1976 states that:

"An appeal shall lie from the decision of any lands Tribunal as if such decision were the decision of the High Court of a State."

It is clear that the Public Lands Acquisition (Miscellaneous Provision) Act 1976 confers exclusive jurisdiction on the Lands Tribunal to decide the issue of compensation payable to the appellants for their land acquired by the Government, and also the payment of interest in deserving cases. It follows that the Ruling of a Lagos High Court in suit No. M/250/85 delivered on 21 March, 1986 was delivered without jurisdiction and the judgment of the Court of Appeal which affirmed that decision was also given without jurisdiction. You cannot put something on nothing and except it to stand. Both judgments are null and void.

Appeals lie from the judgment of the Lagos State Lands Tribunal to the Court of Appeal. It is now over thirty-five years since the Tribunal delivered judgment. There was no appeal by any of the parties. Since there was no appeal, the judgment of the Lagos State Lands Tribunal delivered on 10th November, 1981 in suit No. LJ/LS/IS/79 is inviolate until set aside.

The judgment of the Lagos State Lands Tribunal as with all Courts of competent jurisdiction take effect im-

mediately upon delivery and the Tribunal has inherent jurisdiction to proceed to enforce such judgment forthwith. This jurisdiction of the Tribunal can only be suspended by a stay of execution provided there is an appeal. The appellants were wrong to come to a High Court to seek the award of interest on the judgment debt and payment of judgment debt. They ought to have set in motion the process to enforce the judgment and appeal for interest rather than come by way of originating summons. Filing a fresh action after judgment has been delivered to enforce the judgment and seek interest is unknown under any principle of law.

The land compulsorily acquired by the Government in 1958 along Ilasamaja/Oshodi Expressway was over the years developed and is now Isolo Industrial Estate and Matori Industrial Estate.

On 10th November, 1981 the Lagos State Lands Tribunal ordered the Lagos State Government to pay the sum of N1,141,631.20k (One million, one hundred and forty-one thousand, Six hundred and thirty-one naira, Twenty kobo) to the appellants as compensation for their land compulsorily acquired by the Government (the respondents). The Tribunal also ruled that the appellants were not entitled to interest.

Since there was no appeal from this judgment of the Lands Tribunal, it remains correct and the parties are satisfied with it.

In the circumstances both judgment of the Lagos High Court and the Court of Appeal are nullified. Appeal dismissed.

For the avoidance of doubt, I must state that:

1. The appellants are entitled to compensation assessed by the Lands Tribunal as N1,141,631,20k.
2. The appellants are not entitled to interest.
3. The Ruling of the Lagos High Court in suit No. M/250/85 delivered on 21 March, 1986 and the judgment of the Court of Appeal in CA/L/300/99 delivered on 22 July, 2002 are null and void.

MUHAMMAD JSC

Having read before now the leading judgment of my learned brother Rhodes-Vivour, JSC just delivered, I agree with his lordship's reasoning and conclusion that this appeal is incompetent and stands dismissed. I rely on the summary of the facts contained in the leading judgment to comment on the issue the appeal raises purely by way of emphasis. B

It is evident from the printed record of this appeal that the trial Court, the Lagos State High Court, being a Court of coordinate jurisdiction with the Lands Tribunal in Lagos State which earlier determined the suit of the parties herein, lacks the jurisdiction of re-litigating the same matter. It settled that no judge can or is entitled to reverse vary or alter the order or decision by another judge of co-ordinate jurisdiction. See *Amanabu v. Okafor* (1966) ANLR 205. D

The decision of the trial Court Suit No. M/250/85 from which this appeal arose remains a nullity. Section 16 of the Public Lands Acquisition (miscellaneous provision) Act 1976 disentitles the trial Court from determining any matter earlier determined by the Lands Tribunal. The Section provides:- E

"An Appeal shall lie from the decision of any Lands Tribunal as if such decision were the decision of the High Court of a State."

My lords, by virtue of Section 240 of the 1999 Constitution as amended, read conjunction with Section 16 of the Public Lands (Miscellaneous Provision) Act supra, any appeal from the decision of the Lands Tribunal is determinable by the lower Court to the exclusion of any other Court of law in Nigeria. The Court of Appeal exercises its appellate jurisdiction only in respect of valid decision from those Courts and Tribunals specified by the Constitution or any such law as the Public Lands (Miscellaneous Provision) Act. The lower Court and by extension, this Court lacks the jurisdiction of entertaining appeals from the decision of the trial Court given without jurisdiction. The instant appeal, therefore, being incompetent stands struck out. See *Josiah Cornelius Ltd & ors v. Ezenwa* (1996) 4 NWLR (Pt. 443) 391 and *Mustapha v. Governor of Lagos State* (1987) 4 SCNJ 143. F G H

It is for the foregoing and the fuller reasons in the lead judgment of my learned brother Rhodes-Vivour, JSC that I also strike out the incompetent appeal.

B

OGUNBIYI JSC

I read in draft the lead judgment of my learned brother Rhodes-Vivour, JSC. I agree that the appeal is devoid of any merit and should be dismissed.

C

The facts of the case are well spelt out in the leading judgment. Central to the determination of the appeal is Section 16 of the Public Lands Acquisition (Miscellaneous Provision) Act 1976, which reproduction is very revealing as follows:

D

“An appeal shall lie from the decision of any lands Tribunal as if such decision were the decision of the High Court of a State.”

A community reading of the foregoing provision is where the act confers an exclusive jurisdiction on the Lands Tribunal matters of compensation as it is in the case at hand inclusive of interest.

E

For all intents and purposes, the jurisdictional power vested in the lands Tribunal is equated squarely with the High Court of a State. Hence the two are deemed Courts of co-ordinate jurisdiction for this purpose. As a consequence therefore, the subsequent originating summons filed at the Lagos High Court against the Military Governor of Lagos State and the State Attorney-General of Lagos State on account of interest, was clearly without any jurisdiction.

F

G

It is elementary to restate that without jurisdiction, the Court acts in futility and any proceeding conducted without jurisdiction amounts to a nullity. In the case at hand, the absence of any jurisdiction vested in the High Court had automatically rendered the Court of Appeal also impotent to entertain any appeal arising there from.

H

The judgment of the Court of Appeal which endorsed the trial High Court, though concurrent nature, are however without any foundation. It is unfortunate that the two Courts are in great

error as they both lacked the jurisdiction to adjudicate the subject matter placed before them

My learned brother Rhodes-Vivour, JSC has dealt exhaustively with the subject matter of this appeal. I adopt his judgment as mine. With the few words of mine and more particularly on the fuller reasoning and conclusion arrived at by my brother in his leading judgment, I will also dismiss this appeal and abide by all the orders made there in the leading judgment.

NWEZE JSC

My Lord, Rhodes-Vivour, JSC, obliged me with the draft of the leading judgment just delivered now. I, entirely, agree with the reasoning and conclusion. I abide by the consequential orders in the said leading judgment.

SANUSI JSC

I had a preview of the judgment just delivered by my learned brother Rhodes-Vivour, JSC. His lordship had ably and painstakingly considered and determined all the issues canvassed by parties' learned counsel in this appeal before concluding that this appeal is bereft of merit and ought to be dismissed. I am at one with his reasoning and conclusion that the appeal lacks merit. While adopting his lordship's reasons and conclusion as mine, I hereby also dismiss the appeal for want of merit. I abide by the consequential order(s) made.