

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA

ON FRIDAY THE 27TH DAY OF FEBRUARY, 2026

BEFORE THEIR LORDSHIPS

JOHN INYANG OKORO
ADAMU JAURO
JUMMAI HANNATU SANKEY
OBANDE FESTUS OGBUINYA
STEPHEN JONAH ADAH

JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT

SC/CV/224/2020

BETWEEN:

1. ELDER PIUS ORUWARI
2. MR FUBARA ORUWARI

= = APPELLANTS

AND

1. SAMUEL INIMIEARIBI
2. SAVIOUR MINADIKI
3. GOLDEN MINADIKI

== = RESPONDENTS

JUDGMENT

[DELIVERED BY STEPHEN JONAH ADAH, JSC]

This appeal is against the decision of the Court of Appeal, Port Harcourt Judicial Division in **Appeal No: CA/PH/632/2014**, delivered on the 24th day of February, 2017.

The tacit facts of this case from the records are that the appellants claimed that they were descendants of two

brothers namely **Inimiearibi** and **Minadikipeleka** as sons of the patriarch **Oruwari** who jointly owned a large expanse of land in the Bolo community of Ogu/Bolo local government area of Rivers state. Inimiearibi Oruwari built a house for his wife Elizabeth on a portion of the said disputed land where she lived and died, upon her demise, her grandson Josiah Orisa sort the consent of the family to demolish the earlier structure and erect a building with cement blocks. Inimiearibi Oruwari and Minadikipeleka Oruwari had built other buildings on the other portion of the land with rooms named after Chief Adda Oruwari, Dike Oruwari and Elizabeth Oruwari. Subsequently, Chief Adda Oruwari and Elder Pius Oruwari were allowed to erect their individual houses on other portions of the large expanse of the disputed land. Over the years, the houses built by Inimiearibi Oruwari and Minadikipeleka Oruwari deteriorated and collapsed, the land was reserved as agreed by the family for a Hall be erected as a memorial monument to preserve their fathers' legacies. The land remained vacant until 2009 when 1st and 2nd Respondent sort family consent to erect temporary structures, however, sometimes in 2011, the appellants observed permanent structures erected by the respondents on the reserved portion meant for a memorial monument. The case was reported to

the Bolo Community Council Chiefs but the respondents defied the restraining orders of the council Chiefs and the appellants initiated the instant suit.

The case of the respondents is that they are descendant of the Oruwari a progenitor of the Oruwari of Oruwari war canoe House of Bolo Community of Ogu/Bolo Local Government Area of Rivers state. That the marriage between Oruwari and Awari begat Inimiearibi, Minadikipeleka as males, Goka and Kalagani as females. That the Appellants are neither direct descendants of Inimiearibi nor Minadikipeleka, therefore, they lacked the requisite powers to initiate this suit because the 1st respondent is the only surviving son of Minadikipeleka without a joint claim or entitlement to the said land with the Appellants or any person whatsoever. The respondents continued that the partitioning of the said land in 1965 had Stephen Adda Oruwari and Josiah Orisa representing the Inimiearibi while the 1st respondent represented the Minadikipeleka family who left their portion without developing it. 1st Respondent only built a house on one of the two portions from their allocation. That there was no decision reached by the Minadikipeleka for the purpose of a memorial structure because there already exist a memorial Hall jointly used by the descendants of the Oruwari. That they did not erect any temporary structure but

permanent structures on their own two portions allocated to the descendants of Minadikipeleka.

Appellants as claimants claimed against the respondents as Defendants by a Writ of Summon filed at the Rivers State High Court presided by I.P.C Igwe, J., over a parcel of land situate at the Bolo Community in Ogu/Bolo Local Government Area of Rivers State, seeking the following reliefs;

- i. A Declaration that the land in dispute which is lying and situate at Oruwari Family in Bolo Community in Ogu/Bolo Local Government Area of Rivers State, Nigeria and bounded or surrounded by the houses of CHIEF ADA ORUWARI, JOSIAH ORISA and SAMUEL INIMIARIBI ORUWARI, is the bona fide of the descendants of INIMIARIBI ORUWARI and MINADIKI-PELEKA ORUWARI in Oruwari Family of Bolo community aforesaid; and as such, the descendants of INIMIARIBI ORUWARI and MINADIKI-PELEKA ORUWARI are the deemed holders of the right of occupancy, and thus: entitled to the right of occupancy in and over the land in dispute.**
- ii. An Order of perpetual injunction restraining the 1st, 2nd and 3rd Defendants, their agents, privies, assigns or by whosoever, from interfering with the right of ownership, possession and occupation of the said descendants of INIMIARIBI ORUWARIA and MINADIKI-PELEKA ORUWARI, either by themselves, their assigns, privies or by whomsoever claiming through them, over the land in dispute.**

The respondents as defendants by an Amended Statement of Defence and Counter-claimed against the appellant thus:

- i. **A Declaration that the claimants not being direct or biological children of the inimiearibi and minadikipeleka and/or not being paternally linked or connected to Inimiearibi and Minadikipeleka are not competent persons to sue the defendants in this suit. In other words, that the Claimants lacked the locus standi to file this suit.**
- ii. **A Declaration that the portioning of the entire land which originally belonged to the two brothers (Inimiearibi and Minadikipeleka) by the respective heads of the two families of Inimiearibi and Minadikipeleka represented by Late Chief Sylvester Adda Oruwari and Samuel Inimiearibi Minadikipeleka – the 1st Defendant into four portion – two for each of the families is valid and subsisting.**
- iii. **A Declaration that since the Inimiearibi lineage has built up its two portion by virtue of those built by Chief Adda Oruwari and his nephew Josiah Orisa and Minadikipeleka has built only one of its two portions by virtue of that built by the 1st defendant, that it is inequitable and an act of suppression and injustice for the claimant to ignore the partitioning and insisting on “reserving the land for the building of a memorial hall.”**
- iv. **An Order vacating the interlocutory order restraining the defendants/counter-claimants made on**

the 7th July, 2011 by virtue of the fact that the Motion on Notice filed and purportedly “duly served” on the defendants was not dated. In other words, there was no date fixed for the Motion because the copy served on the defendants had no date assigned for the matter, AND in its place an order of perpetual injunction restraining the claimants, their servants, agents, privies etc from further making any claims on the land in dispute.

The trial court upon consideration of the facts and evidence placed before it, delivered its judgment on the 10th day of March, 2014 striking out the claims of the appellant on the basis that the appellant lacked the *locus standi* to file the action and partially granted the reliefs in the counter-claim of the respondents which affect issues of locus standi imbued in the claim of the appellants.

The appellants dissatisfied with the judgment of the trial court, appealed to the court below by five grounds of an Amended Notice of Appeal dated and filed on the 28th day of November, 2014. Parties duly filed and exchanged their respective briefs and judgment of the court of appeal was delivered on the 24th day of February, 2017, dismissing the appeal in its entirety for want of merit. The appellants still dissatisfied with the

judgment of the court below, filed a Notice of Appeal on the 5th day of February, 2020.

Learned counsel for the appellants, J.T.O Ugboduma, Esq., in the Appellants' Brief of Argument filed the 2nd day of July, 2020, but deemed as properly filed on the 23rd day of May, 2023 raised a sole issue for the determination of this appeal to wit:

“Whether the learned Justices of the court of Appeal were justified in law when they affirmed the judgment of the trial court which held that the Appellants failed to prove that they are descendants of Inimiearibi and Minadikipeleka and therefore lacked the locus standi to file this suit, i.e Suit No: WHC/95/2011”
(Grounds 1 to 6 of the Amended Notice Appeal)

Learned counsel for the respondents by a Joint Respondents' Brief settled by A.Y.R. Uzoma, Esq., filed on the 22nd day of May, 2023, but deemed as properly filed on the 23rd May, 2023 adopted the sole issue formulated by the appellant.

Arguments of Parties on the Sole Issue:

Learned counsel to the appellants submitted that the trial court's conclusion that the appellants lacked the requisite *locus standi* to initiate this suit at the trial court having failed to establish a precise paternity and genealogical link and connection to the Inimiearibi or the Manadikipeleka was erroneous and against the weight of evidence and pleadings of parties to the instant suit. That the affirmation of the trial court's judgment by the court of appeal was predicted upon the already erroneous foundation of the trial court as nothing valid would have suffice from an erroneous trial and conclusion. That the trite position of the law in the determination of the legal stance of a Claimant to challenge a right or entitlement is held to be dependent on the averments in the statement of claim whether or not they disclose a legitimate cause of action, however, counsel posited that the lower court failed to apply the correct position of the law in this regards in arriving at its conclusion of affirming the judgment of the trial court on the legal status of the appellants to challenge the authorities of the respondents on the reserved portions of the land in dispute. That in considering the legal capacity of a claimant to initiate a claim in court, there is a need to take a holistic appraisal of the Statement of Claim,

Statement of Defence and evidence in support of both parties. That anything else done contrary to this position as laid down by this court is an aberration which ought to be set aside. Counsel submitted that the appellants have shown sufficient interest by its pleadings in the subject matter of this case and had the legal stance to this action especially when this case was brought in a representative capacity. Appellants relied on the cases of **Owodunmi v. Registered Trustees of Celestial Church of Christ (2000) 10 NWLR (Pt. 675) 315; Taiwo v. Adegboro (2011) 11 NWLR (Pt. 1259) 562; Ladejobi v. Oguntayo (2004) All FWLR (Pt. 231) 1209 and Uzoечи v. Onyenwe (1999) 1 NWLR (Pt. 587) 339.**

Counsel submitted that the two courts below had no basis for dismissing the case of the appellants on the ground of lack *locus standi* to bring the instant suit, as they misconceived the facts that the appellants were the descendants of the Inimiearibi and Menadikipeleka family units and their pleadings/evidence adequately captured all relevant proofs. That the contradictions in the description of the 1st appellant was corrected under cross-examination of CW1 where he stated that he was the grandson and not the direct son of Inimiearibi Oruwari, stating that such misdescription did not occasion any injustice nor were the respondents misled,

rather the doubt the learned trial judge expressed about the averment on the identity of the 1st Claimant at pages 27 to 28 of his judgment and pages 279 to 280 of the record of appeal ought to be resolved in favour of the appellant. See the cases of **Ilorin East Local Government v. Alasinrin (2012) All FWLR (Pt. 645) 226; Mezu v. Cooperative & Commerce Bank (Nig.) Plc (2013) 3 NWLR (Pt. 1340) 188; Azonia v. Nnani (2015) 8 NWLR (Pt. 1461) 241.**

Learned counsel to the respondents in a reaction to the arguments of the appellants' counsel submitted that the trial judge was right when he held that the claimants failed to prove that they were descendants or direct biological children of Inimiearibi and Minadiki, therefore, they had no legal standing to sue in the instant suit. Counsel stated that the respondents identify with the paragraphs of the judgment of the trial court quoted by the appellants in their brief of argument to the extent that the law is the determinant of a person's legal standing to institute a matter and what constitute a legal right and sufficient/special interests to sue. That the pleadings of the appellants remain important in ascertaining the requisite *locus standi* and competence of the appellants to sue as the customs and tradition of the Okrika and Bola community are patrimonial, therefore genealogy must be traced patrilineally,

hence the 1st claimant/appellant is to be traced to Chief Daniel Kinigoma of Igbacha while the 2nd claimant/appellant is to be traced to Oron of Akwa Ibom State. Counsel submitted that the appellants did not seek to trace their family lineage through their mothers but by their fathers, by that, their legal standing has to be questioned. Counsel submitted further that this suit no: WHC/95/2011 was never in a representative capacity and all the averments of the appellants were challenged and denied accordingly, which led to the findings of court that the appellant lacked the requisite *locus standi*. Emphasis was further made on Exhibit D3 in favour of the respondents that they were counter-claiming for themselves and on behalf of the biological children and descendants of Minadiki, that there was nothing to show that appellants had the authority to represent the Inimiearibi family because the appellant failed to place any tangible evidence or proof that the Inimiearibi family ever granted them consent to sue on behalf of the family. Learned counsel urged this court to affirm the concurrent finding of the two court below and discountenance the submission of the appellants. He relied on the cases of **Uzoechi v. Onynew (1999) NWLR (Pt. 587) 339.**

Counsel stated that the genealogy of the claimants became an issue by the state of their pleadings despite several amendments and a reply to the statement of defence, where on one breath 1st claimant claims to be a son of Inimiearibi and on another breath he is the son of Ada Oruwari as it is not possible to be a son of more than one father and that a correction of such crucial fact at the trial court would have exposed the mischiefs of the appellants. That the finding of the trial court that the Defendants traced the patrimony of the 1st claimant to Chief Daniel Kinigoma, was right and unassailable and that it wouldn't have been proper for the appellants to depend on the supposed admission of the defendants to correct their misdescription as that will amount to approbating and reprobating at the same time. That the submission that the trial judge expressed doubts about the case of the respondents' were misleading and hold that this court discountenance such. That giving the controversial state of the appellants' pleadings at the trial court, it couldn't have been said that they establish their genealogy to the founders of the family hence the cases of **Lalyobi v. Oguntayo** and **Azonia v. Nnani (2015) 8 NWLR (Pt. 461) 241**, are irrelevant and inapplicable in the given circumstance.

Counsel submitted that the admission of the appellants to the concurrent finding of the courts below aligns with the position of the law that this court is very reluctant in tempering or interfering with concurrent findings of courts below, therefore the respondents to the extent of their admission, identify themselves with such admission. Counsel submitted that the trial court and the court below were right and impeccable in their findings by virtue of Order 22 Rules 1 & 2, that there shall be no demurrer proceedings and where a party seeks to raise a point of law, the judge is bound to dispose of such either before or during trial.

The respondents averred that the appellants never controverted the evidence of DW3 as he was not cross-examined especially on the grave allegations made against the 1st appellant hence it is wrong for the appellant to hold that the lower court was wrong for affirming the judgment of the trial court. Respondents submitted further, that Minadiki never adopted nor lived with Dike rather it was chief Adda Oruwari, a nephew to Minadiki that picked Dike as a houseboy, trained him and enrolled him into the Nigerian Police Force. He contended vehemently that the lower court was right in affirming the judgment of the trial court in the circumstance.

In a reply brief, the appellants submitted that the respondents unilaterally altered the proceedings of the trial court and stated that the respondents were sued in their individual capacity and never as representatives of any family as the respondents had no such powers to alter the title of the case to assume a representative status without the relevant leave of court based on Order 13 Rule 12(2) of the Rivers State High Court (Civil Procedure) Rules 2010. Consequently, by the extent of this alteration by the respondents on the title of the parties, it makes the respondents' brief incompetent and liable to be struck out. See the cases of **Progressive Peoples Alliance (PPA) v. Independent National Electoral Commission (INEC) (2012) 13 NWLR (Pt. 1317) 215; NTEILE v. Irawaji (2021) 16 NWLR (Pt 1803) 411; Sehindemi v. Governor, Lagos State (2006) 10 NWLR (Pt. 987).**

On the issue of partitioning of the said disputed land, counsel submitted that there was no proof that the land was partitioned hence the finding of the trial court and the affirmation by the lower court were perverse and grossly misconceived, which he urged the court to discountenance. See **Mainstream Bank Ltd v. Binna (2016) 12 NWLR (Pt. 1526).**

The sole issue raised for determination in this appeal is the issue of *locus standi*. The term "*locus standi*" connotes the

legal capacity to institute proceeding in a court of law. It is synonymous to “**standing**” or “**title to sue**”. It is often an aspect of jurisdiction. The fundamental aspect of *locus standi* is that it focuses on the capacity of the party seeking to get his complaint before the court and not on the issues he wishes to have adjudicated. In other words, it does not depend on the success or merits of claim. It is a condition precedent to a determination on merit. See the case of **Chief Maxi Okwu & Anor. v. Chief Victor Umeh & Ors. (2015) LPELR 26042 (SC) per Galadima, JSC.** In the same vein, this Court in **CITEC Int’l Estates Ltd v. Francis & Anor (2021) LPELR – 53083 (SC)** held, per Kekere-Ekun, JSC (now CJN), thus:

"*Locus standi* connotes the legal capacity to institute an action in a Court of law. It is a threshold issue that affects the jurisdiction of the Court to look into the complaint. Where the claimant lacks the legal capacity to institute the action, the Court, in turn will lack the capacity to adjudicate. See: Daniel v. INEC (2015) LPELR - 24566 (SC) @ 47 A - D; Thomas v. Olufosoye (1986) 1 NWLR (Pt. 18) 669; Opobiyi & Anor. v. Muniru (2011) 18 NWLR (Pt. 1208; 387. 0.403 D - F; Nyesom v. Peterside (20.6) LPELR 40036 (SC) @ 39 - 40 C - A. In order to have *locus standi*, the claimant must have sufficient interest in the suit. For instance, it must be evident that the claimant would suffer some injury or hardship or would gain some personal benefit from the litigation. See: Inakoju v.

Adeleke (2007) 4NW (Pt. 1025) 423 601 - 602 H - B; Thomas v. Olufosoye (supra); B.B. Apugo & Sons Ltd. v. O.H.M.B. (2016) 13 MWLR (Pt 1529) 206. In determining whether the claimant has the necessary locus standi to institute the action, it is his pleadings that would be considered by the Court. Standing to sue does not depend on the merit of the claim but on the interest of the claimant in the subject matter of the suit. See: Basinco Motors Ltd: v. Woermann - Lines & Anor (2009) 13 NWLR (Pt. 1157) 149; Fawehinmi Vs Akilu (1987) 12 SC 36; Musical Copyright Society of Nig. Ltd/Gte v. Compact Disc Technology Ltd & Ors (2018) LPELR |46353 (SC) @ 27 - 28 F - F."

From the foregoing, it is very clear that *locus standi* can only be determined from the pleadings and the claim of the plaintiff. It was canvassed by the appellants that *locus standi* should be determined from the claim and the defence to the claim. *Locus standi* it must be borne in mind is a threshold issue. It is to be determined only from the claim filed by the plaintiff. It is the responsibility of the plaintiff and no other party should share in that responsibility for the plaintiff to place before the court expressly his line of interest and his link to the claim he had filed.

I shall therefore, look at the pleadings of the appellants, at the trial court to see whether they truly have any locus in this case.

By paragraphs 1, 4, 5, 7, 8, 9, 10 and 11 of the Amended Statement of Claim the appellants pleaded as follows:

1. The Claimants are members of INIMIARIBI ORUWARI and MINADIKI – PELEKA ORUWARI unit of Oruwari family, Bolo Community in Ogu/Bolo Local Government Area of Rivers State, Nigeria.

.....

4. The 1st Claimant is the son of INIMIARIBI ORUWARI. The 2nd Claimant is a grandchild of MINADIKI – PELEKA ORUWARI.

5. The 1st and 2nd Claimants, as members of the said INIMIARIBI ORUWARI and MINADIKI - PELE ORUWARI unit, have brought this action with a view to protecting the joint and exclusive proprietary rights of all the descendants of the said INIMIARIBI ORUWARI and MINDIKI – PELE ORUWARI in an over the land in dispute. Besides, the claimants maintain this action on behalf of themselves and for all the descendants of INIMIARIBI ORUWARI and MINADIKI – PELEKA ORUWARI; except the Defendants.

.....

7. Sometime in 1940, INIMIARIBI ORUWARI and MINADIKI – PELE ORUWARI bought from the Bolo Community a large expanse of land. The land in dispute is part and parcel of the said land bought by INIMIARIBI ORUWARI and MINADIKI – PELEKA ORUWARI. The said land was held jointly by INIMIARIBI ORUWARI and MINADIKI – PELEKA ORUWARI (two brothers).

8. During the life time of both - INIMIARIBI ORUWARI and MINADIKI – PELE ORUWARI, the said INIMIARIBI ORUWARI built a small house on part of the said land, for his wife (Elizabeth ORUWARI). The said Elizabeth Oruwari lived and died in the said house built by her husband. At the demise of Elizabeth Oruwari, her grandson (Josiah Orisa), with the consent of the large family demolished the said house and erected a befitting block building in its place.
9. The two brothers: INIMIARIBI ORUWARI and MINADIKI - PELEKA ORUWARLA built another house, on a part of the land and gave rooms to CHIEF ADA ORUWARI, DIKE ORUWARI and ELIZABETH ORUWARI.
10. Besides CHIEF ADA ORUWAR and the 1^a Defendant were allocated portions of the said land to build their personal houses. Chief Ada Oruwari and the 1st Defendant have since built on the portions of land allocated to them.
11. The house, jointly built by INIMIARIBI ORUWARI and MINADIKI - PELEKA ORUWARI and allocated to CHIEF ADA ORUWARI, DIKE ORUWARI and ELIZABETH ORUWARI collapsed, some years ago. Soon thereafter, the descendants of the INIMIARIBI ORUWARI and MINADIKII – PELEKA ORWARI met and agreed that the land, were the said house stood, should be reserved and used for the building of a memorial hall to immortalize the names of both INIMIARIBI ORUWARI and MINADIKI - PELEKA ORUWARI. As a result of the foregoing, nobody was allocated the said land; and it has remained a vacant space - bounded by the houses of CHIEF ADA ORUWARI,

JOSIAH ORISA, and SAMUEL INIMIARIE ORUMAK until 2009 when the 1st Defendant (acting on behalf of the 2nd Defendant) requested for permission from the descendants of INIMARIBI ORUWARI and MINADIKI - PELEKA ORUWARI to erect a temporary structure on the said land and also agreed orally to vacant the land whenever descendants of INIMARIBI ORUWARI and MINADIKI - PELEKA ORUWARI are prepared to build the said memorial hall. Thus, the Defendants were granted permission to erect a temporary structure on the land in dispute.

The pleadings and the evidence pleaded before the trial court was considered in depth by the trial court. The trial court in its judgment held at pages 285 to 286 as follows:

In the instant case, the 1st Defendant who pleaded this custom that grandchildren are incompetent to sue direct children over title to their father/grandfather's landed property was the only witness who gave evidence of the special custom. The Defendants should have called some elderly men who are versed in the alleged Okrika and Bolo custom. It is obvious that the ipse dixit of the 1st Defendant which is not independent may be coloured. The result is that I must hold that the Defendants failed to prove the Okrika and Bolo customary law which makes grandchildren of deceased incompetent persons to sue the direct children of the deceased in respect of the deceased's landed properties. I must also hold that claimants having failed to prove that they are descendants of Inimiaribi and

Minadikipeleka have no standing to sue in the instant case.

The appellants were aggrieved by this decision and appealed to the lower court. The lower court reviewed the trial court's decision and held as follows:

In conclusion it is my finding that there is indeed contradiction in the paternity and genealogy of the 1st appellant as to whether he is the direct son or grandson of Inimiearibi. The Respondents denied his claims that he is from the Oruwari family but rather the Igbacha family being the son of Chief Daniel Kinigoma. The Appellant did not help matter in his pleadings wherein he said he is the son of Inimiearibi, and at the same time his grandson and yet in another the son of Sylvester Ada Oruwari. It - is based upon these contradictory pleadings that I agree with the decision of the learned trial Judge that since the Appellants were unable to give an unbroken chain of relationship between them and the founder of the land in dispute they have no locus standi to file this Suit No. WHC/95/2011. 4 The said suit is hereby struck out. The judgment of the lower court delivered on 10/3/2014 is upheld by me. This appeal has no merit and is hereby dismissed. There shall be no order as to cost.

The issue of *locus standi* is very fundamental to the competence of the case in court and the jurisdiction of the court itself. *Locus standi*, is therefore, the threshold issue.

Before a court can examine the merits of a dispute or claim filed, it must be satisfied that the plaintiff has sufficient standing. Where *locus standi* is lacking, the action is dead on arrival, no matter how patently meritorious the claim may appear. It ensures therefore, that courts are not turned into arenas for academic, speculative or meddlesome suits by persons who have no real stake in the subject matter. Certainly, only those personally affected or legally aggrieved are permitted to litigate. It invariably, follows that *locus standi* is a fundamental pre-condition to the competence of an action and the proper invocation of the jurisdiction of the court.

In the instant appeal, the appellants have been found concurrently by the two lower courts not to possess the standing to sue in this case. It is well-settled from the authorities of this court that this court restrain itself from interfering with concurrent findings of facts by the lower courts. See **Ogojeifo v. Ogojeofor (2006) 3 NWLR (Pt. 966) 205**, where Onnoghen, JSC (as he then was), held, thus:

"The attitude of the Supreme Court to concurrent findings of facts is that it will not interfere with such findings where the findings are reasonably justified and supported by evidence and where no special circumstances why the Supreme Court should interfere with the findings is shown by the substantial error apparent on the record of proceedings, such as miscarriage of

justice or violation of some principles of law or procedure."

Flowing from the pleadings and the totality of the evidence on record, it is manifest that the findings of fact made by the lower court are unimpeachable, sacrosanct, and free from any error. There is therefore no justification for this Court to interfere with those findings. The sole issue distilled for determination in this appeal is accordingly resolved against the appellants.

In the result, I am firmly of the view that this appeal is devoid of merit and it is hereby dismissed. The judgment of the lower court in **Appeal No: CA/PH/632/2014**, delivered on the 24th day of February, 2017, is hereby affirmed.

The appellants shall pay costs assessed at ₦2,000,000.00 (Two Million Naira) to the respondents.

Appeal Dismissed.


STEPHEN JONAH ADAH
JUSTICE, SUPREME COURT

Ubi jus ibi remedium

COUNSEL:

J.T.O. Ugboduma, SAN, with Okpanachi Enape, Esq., **for the Appellants.**

Khalid Abdulkareem, Esq., **for the Respondents.**

