

NIGERIAN LAW SCHOOL
BWARI - ABUJA
BAR FINALS EXAMINATIONS
CIVIL LITIGATION

THURSDAY, SEPTEMBER 1, 2016

TIME ALLOWED: 3 HOURS

INSTRUCTIONS:

THIS PAPER IS DIVIDED INTO TWO SECTIONS. TWO ANSWER BOOKLETS ARE PROVIDED. QUESTIONS FROM EACH SECTION SHOULD BE ANSWERED ON A SEPARATE ANSWER BOOKLET. QUESTIONS 1 AND 4 ARE COMPULSORY. ONE OTHER QUESTION FROM EACH SECTION SHOULD BE ATTEMPTED.

WRITE YOUR EXAMINATION NUMBER ON EACH ANSWER BOOKLET.

SECTION A

QUESTION 1 (COMPULSORY)

On August 12, 2016, Fatima Nsoso, a 15 year old student of Brilliant Kids International School, Lagos boarded the school bus from her residence at No. 20, Abasi Close, Yaba, Lagos to her school located in Ikoyi, Lagos. On the way, and due to the negligence of the bus driver, Okaka Ogbu, the bus collided with a Mercedes Benz 911 truck. Fatima and other students were seriously injured. Fatima was admitted and spent several days in the intensive care unit of a hospital in Lagos State. She received blood transfusion and had stitches on several parts of her abdomen. She also suffered a fracture in her upper left leg and had to

be referred to an orthopedic hospital three weeks later. All this while, the management of the school did not show any concern. Alhaji Mukaila Nsoso, Fatima's father, paid all hospital bills made up as follows:-

1. Blood transfusion (8pints)	N80,000.00
2. Strictures	120,000.00
3. Drugs	78,000.00
4. Intensive care	250,000.00
5. Accommodation (3 weeks)	84,000.00
6. Orthopaedic bills	<u>450,000.00</u>
Total	<u>N1,062,500.00</u>

Fatima suffered a lot of pains while learning to walk with her crutches and endured psychological trauma, as children in the neighborhood mocked her. She had to remain at home for another six months due to the very serious nature of the fracture.

Fatima's father has briefed Chief A. N. Ajangbadi, SAN to institute an action for negligence against the school for the sum of #20 million as general damages and special damages suffered by Fatima, in that the driver of the bus, Mr. Okaka Ogbu, was discovered to be drunk at the time of the accident.

(a) Draft the heading of the court and the parties as it would appear in the Originating process assuming you were counsel in the chambers of A. N. Ajangbadi, SAN.

- (b) Draft a the reliefs only as it would appear in the supporting statement of claim indicating special and general damages.
- (c) Immediately after the accident, the school was quickly relocated to Abuja, in order to avoid a flurry of litigation from angry parents. State the major endorsement on the originating process for proper service on the school in Abuja.
- (d) State two different steps/endorsements you would have resorted to if the action were to be commenced in Abuja and to be served in Lagos.
- (e) Chief Wilson Ojugo was the guarantor of Okaka Ogbu when he was employed by the school and had undertaken to be personally liable to the school for any loss, or damage caused by Okaka Ogbu. How would you advise the school to ensure that Chief Wilson Ojugo is properly brought in as a party to the suit?
- (f) Draft the appropriate process (without any supporting document) in line with the procedure chosen by you in (a) above.
- (g) On the day slated for hearing Chief Ajangbadi gave you the file to hold his brief for the claimant. Announce your appearance before His Lordship.

QUESTION 2

Otunba Sabo Oloyede is the owner of a block of 4(four) residential flats located at No. 18, Robinson Street, Surulere, Lagos. Vincent Yeboah occupies flat No. 4. He pays his rent on March 1 each year but is now in arrears of rent since March 2016. Chief Segun occupies flat No. 2 and

until recently, he was the business manager in Yedex Publishing Co. Ltd. The publishing company has Otunba Sabo Oloyede as the Chairman of the Board. Chike Segun was assigned the flat in 2013 as his official quarters when he was employed by Yadex Publishing Co. Ltd. A housing allowance was deducted monthly from his salary. Following the economic recession in the country, business has been low for Yadex Publishing Co. Ltd and it recently downsized his workforce. Chike Segun was affected as he received a letter of termination in February 2016, and was asked to vacate the premises. He has refused to vacate the premises. He intends to challenge the termination. Otunba Oloyede has instructed the law firm of Umana & Co. to evict Vincent Yeboah

Assuming that you are a counsel in the law firm of Umana & Co., and the Head of Chambers handed the brief over to you, answer the following questions:

(a) Identify in numbered paragraphs the steps you will take in carrying out the instruction in respect of Vincent Yeboah.

(b) Would your answer in (a) be different as regards Chike Segun? Briefly explain.

(c) The Head of Chambers is interested in capturing Otunba Sabo Oloyede's instructions in writing. He has asked you to draft a letter addressed to the law detailing the instructions and has also to inform you that Oloyede will be coming to the law firm later in the day to sign the letter of instruction. Draft the letter of instruction.

(d) Draft a Notice to Quit to be served on Vincent Yeboah.

(e) Assuming that after serving the relevant notices on Vincent Yeboah he still refuses to vacate the premises, which is the most appropriate

court to institute an action against him for recovery of possession, assuming that the rent value is ₦6 million?

(f) what Originating Process will you recommend if the case goes to court as in (e) above?

(g) Chike Segun proceeds to challenge his termination in court, how can he ensure that he is not evicted from the apartment pending the determination of his action in court?

QUESTION 3

The Lagos State Government in 2005 granted a Certificate of Occupancy No. 21990 dated April 20, 2005 to Mr. Garba Damson over a piece of land measuring one hectare situate at Badagry, Lagos, Mr. Garba Damson built a perimeter fence on the land and also established a fish pond. The Lagos State Government through the Ministry of Lands and Survey revoked Mr. Garba Samson's Certificate of Occupancy by a notice of revocation dated August 3, 2016, on the ground that Garba Danson failed to develop the land. Subsequently, the land was allocated to Chief Atta Bulus and is now covered by a Certificate of Occupancy No. 523 dated August 15, 2016. Chief Atta Bulus has started building on the land. Against this background, Mr. Garba Damson has retained you to file an action challenging the revocation of his Certificate of Occupancy as all efforts to resolve the matter has proved abortive.

Answer the following questions:

(a) In which court would you file the action? Give reasons for your answer.

- (b) Identify the most appropriate originating process you would adopt to file the action. Give reasons for your answer.
- (c) What is the lifespan of the originating process you identified in (b) above.
- (d) Identify the proper parties and their designations.
- (e) Assuming that Mr. Garba Damson wants Chief Atta Bulus to be restrained from working on the land pending the determination of the suit, which application would you file in court?
- (f) Draft the application you identified in (e) above (without supporting documents).
- (g) Assuming that you before the court, move the application you drafted in (f) above.
- (h) Assuming that judgment is entered in favour of Mr. Garba Damson, what you do to ensure that he enjoys the fruit of the judgment?

SECTION B

PLEASE USE ANOTHER BOOKLET FOR THIS SECTION

QUESTION 4 (COMPULSORY)

The Odofin family of Iruakpa community of Lagos State recently discovered an encroachment on their land located at Agbado in Kobba, Lagos State. Upon enquiries, they found that it was Builders Nigeria Limited, a construction company that was carrying out excavation work

on the land and intends to use it as a dump site for its chemical waste. When approached, the company informed the family that it purchased the land from one Chief Odofin who happened to be a principal member of the Otedo Family. But, the family claimed that they had not mandated Chief Odofin to deal with the land in that regard. Besides, the consent of the family was not sought and they contend that the purported sale was *void an initio*. The family is concerned that if Builders Nigeria Limited is not urgently stopped from carrying on the excavation work, their land would be completely destroyed. The family has mandated Simeon Otedo, Jide Otedo and Rufus Otedo who are three of their illustrious sons to represent the family and recover the land. The three have briefed you, a legal practitioner to help them.

Answer the following questions:

(a) What step will Simeon Otedo and the two others take to properly bring an action on behalf of the family? Draft the processes without the written address.

(b) The family intends to stop Builders Nigeria Limited urgently from carrying on further excavation on the land, what application will their Counsel make to the court and what are the factors the Court will consider in granting the application.

(c) Assuming that the Court refuses the application in (b) above and the family has appealed against the ruling of the Court, what further step their Counsel will take to ensure the excavation work stops.

(d) The High Court of Lagos delivered its judgment in the case on April 20, 2016 dismissing the suit. You have just been briefed to file an

appeal. Describe the procedure you will take to ensure that you are able to appeal against the judgment.

(e) Chief Odojin has applied to be joined as a party in the appeal. Comment on the propriety or otherwise of his action.

QUESTION 5

Hearing In the libel suit between Dr. Ajumawoye Vs Nigerian Galaxy Newspapee Limited was concluded on January 12, 2016. Counsel to the parties addressed the Court on March 10, 2016 and the matter was adjourned to May 10, 2016 for judgment. On May 10, 2016, the Learned trial Judge lost his wife and the matter was further adjourned to July 10, 2016. On July 10, 2016, Honorable Justice Tawa Pills of Abuja High Court delivered this oral judgment in his Chambers as follows:

By a writ of summons dated May 12, 2014, the plaintiff claimed against the Defendant the sum of #50 million for libel contained at page 7 of the Nigerian Galaxy Newspaper of March 10, 2014. Pleadings were filed and exchanged and witnesses testified on both sides. The Newspaper in question was tendered in evidence as Exhibit A1. This case, as far as I am concerned, is a simple and straight forward case of slander where the Newspaper referred to the Plaintiff as a "Fake Consultant Virologist". Slander is not actionable *per se* and the plaintiff did not prove, before this court any damages he has suffered. Although the Defendant admitted that the words referred to the plaintiff and that it was published in the Newspaper which circulated among the students of the plaintiff at the University of Abuja, I hold that the plaintiff has failed to prove damage. Although the Defendant did not lead evidence, I hold

that the case of the plaintiff fails because the preponderance of evidence is in favour of the defendant using the imaginary scale. The action is accordingly dismissed."

You have been briefed by Dr. Ajumawoye who has expressed his utter dissatisfaction with the judgment. Now, answer the following questions:

- (a) what process would you file on his behalf, and where?
- (b) Identify the areas where you think the judgment is faulty.
- (c) Draft three (3) grounds of appeal (without their particulars) from the above judgment.
- (d) Assuming that the judgment was that the defendant should pay the sum of #10 million to the plaintiff forthwith as damages and you are acting for the defendant who has appealed against the judgment, what relief would you seek pending the determination of the appeal?
- (e) Draft the process to obtain the relief you have identified in (d) above (without supporting documents)
- (f) Would your answer in (d) above be different if not the order were that the defendant steps forthwith the publication of the Nigerian Galaxy Newspaper?
- (g) Explain the distinction in the following a striking out order, a non suit; and dismissal order.

QUESTION 6

Alhaji Idris Kofo is a highly placed security official in the last civilian regime. He is alleged to have corruptly enriched himself to the tune of several billion of naira. Upon several petitions to the agency, the Economic and Financial Crime Commission (EFCC) invaded his residence, arrested and handcuffed him. He was allegedly tortured at the agency's office before being detained. He has been in the detention facility in Abuja since February 2016.

Answer the following questions:

- (a) Alhaji Idris Kofo's wife, Elizabeth has approached you to secure his release. By what process would you do this?
- (b) In which Court would you file the process and why?
- (c) State the parties to this action and the way they should appear on the process chosen.
- (d) Draft the process by which you would secure his release without the accompanying documents.
- (e) Which rule of Court would you employ in the action in (1) above? Give reasons for your answer.

Would your answer in (5) above be different if Alhaji Idris Kofo's wife is only interested in the restitution of her conjugal rights with her husband? Give reasons for your answer

- (g) Apart from the process chosen in (1) above, is there any other process by which you may achieve the same result? If yes, mention the process and state why it may be appropriate to use it.

(f) Apart from Alhaji Idris Kofo's release, what other relief can be sought from the Court on his behalf and why?

**COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL
CIVIL LITIGATION MARKING SCHEME
BAR PART 11 SEPTEMBER 2016**

SECTION A

QUESTION 1---COMPULSORY

**IN THE HIGH COURT OF LAGOS STATE
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS 1 MK**

(Any Judicial Division in Lagos may suffice)

SUIT NO..... ½ MK

BETWEEN:

FATIMA NSOSO (Infant)

(Suing through her Guardian, Alhaji Mukaila Nsoso)

.....

CLAIMANT 1 MK

AND

1. OKAKA OGBU

**2. THE INCORPORATED TRUSTEES OF
BRILLIANT KIDS INTERNATIONAL SCHOOL**

DEFENDANTS 1MK

(b) **WHEREFORE**, the Claimant claims against the Defendants jointly and/or severally as follows: 1 **MK**

(i) Special damages in the sum of N1,062,500.00 (one million, sixty-two thousand and five hundred naira) for damages suffered by the Claimant due to the negligence of the Defendants **1MK**

PARTICULARS OF SPECIAL DAMAGES 1 MK

Blood transfusion (8pints)	N80,000.00
Strictures	120,000.00
Drugs	78,000.00
Intensive care	250,000.00
Accommodation (3 weeks)	84,000.00
Orthopaedic bills	<u>450,000.00</u>
Total	<u>N1,062,500.00 1 MK</u>

(ii) General Damages in the sum of N18, 937,500.00 (eighteen million, nine hundred and thirty seven thousand and five hundred naira) only. **1MK**

(c) The major endorsement on the originating process for proper service on the school in Abuja will be as follows:

“This writ of summons is to be served out of the Lagos State of Nigeria and in the Federal Capital Territory, Abuja.”

-S. 97, Sheriffs and Civil Process Act; Order 3 r. 9 (Lagos)
2MKS

(d) If the action were commenced in Abuja and the Writ were to be served in Lagos, the following steps would have been taken.

(i) I would have sought leave of the Abuja High Court to issue the writ before service in Lagos. Order 4 Rule 6 (Abuja).

(ii) The time within which the Defendants are required to enter appearance would have been not less than 30 days from the date of service.-- **S. 99, Sheriffs and Civil Process Act. 3 MKS**

(e) In order to properly bring in Chief Wilson Ojugo as a party to the suit in the given circumstances, I would advise the school to adopt a third party proceedings by way of a motion ex parte for leave to issue and serve a third party notice on him in order to join him as a third party. The application shall be supported by an affidavit stating the grounds for belief that Chief Ojugo may bear eventual liability – **O. 13 r. 19 (Lagos).** **3 MKS**

(f)

IN THE HIGH COURT OF LAGOS STATE
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS ¼ MK

(Any Judicial Division in Lagos may suffice)

SUIT NO..... ¼ MK

BETWEEN:

FATIMA NSOSO (Infant)
(Suing through her Guardian, Alhaji Mukaila Nsoso).....
Claimant/Respondent ½ MK

AND
OKAKA OGBU
THE INCORPORATED TRUSTEES OF
BRILLIANT KIDS INTERNATIONAL SCHOOL
Defendants/Applicant ½ MK

AND

Chief Wilson Ojugo Third Party
1 MK

**MOTION EX PARTE
BROUGHT PURSUANT TO O. 13 R. 19 OF THE HIGH
COURT OF LAGOS STATE (CIVIL PROCEDURE RULES)
2012 AND UNDER THE INHERENT JURISDICTION OF
THIS HONOURABLE COURT ½ MK**

TAKE NOTICE that this honourable court will be moved on the
day of. .2016 at the hour of 0' clock in the forenoon or so soon
thereafter, as counsel may be heard on behalf of the
Defendants/Applicants herein for:

1. An order granting leave to issue and serve a third party notice on Chief Wilson Ojugo (a student who says “An order joining Chief Wilson Ojugo as a third party in this suit” should be marked correct) 1 **MK**

AND for such further order (s) as this honourable court may deem fit to make in the circumstances

Dated this Day of2018. ½ **MK**

.....
XYZ Esq.
Defendants/Applicants’ Counsel
XYZ & Co.
123, Tamara Drive
Lagos. **1MK**

(g) May it please this honourable Court, XYZ Esq, holding the brief of A.N Ajangbadi for the claimant. **1 MK**

QUESTION 2

(a)

i. Written authority of the landlord must be obtained. **COKER V. ADETAYO; AYIWOH V. AKOREDE**

ii. Issuance of the appropriate Notice to Quit (in this case, 6 months notice)

iii. Issuance of Notice or owner's intention to apply to Recover Possession (otherwise known as the 7 days notice).

iv. Commencement of action by filing the appropriate originating process in the appropriate court. **2 MKS.**

(b)

The answer would be different. Chike Segun's tenancy falls under the category of service tenancy. He is not a tenant but a licensee. **See Chukwumah v. Shell BP; Nwanah v. FCDA.**

(c) Letter headed paper (if any). If not, then, writer's address (to the right) before that of addressee.

September 1, 2016. **½ MK**

The Head of Chambers

Umana Umana & Co.

No. 14 Shadow Street

Surulere Lagos. **½ MK**

Dear Sir,

**INSTRUCTION/ AUTHORITY TO TAKE STEPS AND
RECOVER MY PREMISES ½ MK**

I am the chairman of the board of Yedex Pubiising Co. Ltd and the owner of a block of 4 residential flats located at No 13, Robertson Street, Surulere, Lagos.

I let out flat No. 4 to Vincent Yeboah. He pays his rent on March 1 of each year, but has been in arrears of rent since March 2016. Chike

Email Address

Our Ref:.....

Your Ref:.....

To:

Mr. Vincent Yeboah
No. 13 Robertson Street,
Surulere, Lagos.

$\frac{1}{2}$ MK

Sir,

NOTICE TO QUIT $\frac{1}{2}$ MK

1, Umana Umana, Esq., as solicitor to Mr. Vincent Yeboah, your landlord, and on his behalf do hereby give you notice to quit and deliver up possession of Flat No. 4 with the appurtenances thereto situate at No. 13 Robertson Street, Surulere, Lagos State which you hold of him as tenant thereof under a yearly tenancy on or before 28th day of February, 2017.

3 MKS

Dated this day, 2016 $\frac{1}{2}$ MK

(Note: Irrespective of the date used by a student, the length of notice must not be less than 6 months.)

Wale Adenuga Esq.

pp. Umana, Umana & Co. $\frac{1}{2}$ MK

(e)

The most appropriate court to file the action is the Magistrates court of Lagos State as the rental value of the premises is within the monetary jurisdiction of the court. Though the High court of Lagos State has jurisdiction, it is preferable to file the action before the Magistrate Court,

in view of the fact that cases are determined more expeditiously before the court. **See section 28 of the Magistrate Court Law of Lagos State, 2009. 2 MKS**

(f)

The originating process to be used is a Claim as in Form TL 6B and an Ordinary Summons as in Form TL6A will be issued by the court upon the filing of the Claim. **1 MK**

(g)

To ensure that he is not evicted, he will have to file an application for stay of proceedings before the Magistrate Court pending the determination of the action challenging his termination in court.

1 MK

QUESTION 3:

(a) The action will be commenced before the High Court of Lagos State. The reasons for this are:

- ✓ the subject matter (i.e., the land) is situated within the territory of Lagos State
- ✓ the cause of action (i.e., the circumstances relating to the case) arose in Lagos State.

See section 272 CFRN 1999; O. 2 Lagos.

1 MK

(b) The most appropriate originating process for the commencement of the action is the Writ of summons. The reasons for this are as follows:

(i) the action is contentious in nature and may likely go to trial. See Order 3. Rule 1 Lagos Rules, 2012.

(ii) Also as a general rule, where a counsel is not sure of the proper mode of commencement, it is safer for him to commence the action by way of writ of Summons. **See Doherty v. Doherty; State Security Services v. Agbakoba. 1MK**

(c)

The lifespan of the originating process (i.e., the Writ of Summons) is six (6) months only and may be renewed for a period of 3 months and another period of 3 months only. **See O. 6 R 6 (Lagos). 1MK**

d) The proper parties and their designations are as follows:

(i) Garba Damson----Claimant

(ii) Attorney-General of Lagos State-- 1st Defendant

(iii) Chief Atta Bulus----2nd Defendant

(e)

In order to restrain Chief Atta Bulus from working on the land pending the determination of the substantive suit, Garba Damson should bring an application for an interlocutory injunction pending the

determination of the suit. The application shall be by a Motion on Notice, supported by an affidavit and a written address.

1 MK

(f)

IN THE HIGH COURT OF LAGOS STATE

IN THE LAGOS JUDICIAL DIVISION

HOLDEN AT LAGOS

(Note: Any judicial division in lagos is acceptable)

Suit No.....½ Mk

BETWEEN

MR GARBA DAMSON.....CLAIMANT/APPLICANT

AND

1. ATTORNEY GENERAL OF LAGOS STATE}

2. CHIEF ATTA BULUS}.....DEFENDANT/RESPONDENTS 1Mk

MOTION ON NOTICE

**PURSUANT TO ORDER 39 RULE 1 OF THE HIGH COURT OF LAGOS STATE
(CIVIL PROCEDURE) RULES 2012 AND UNDER THE
INHERENT JURISDICTION OF THE COURT**

TAKE NOTICE that this Honourable Court will be moved On....the.....day
of 2016 at the hour of 9 O' clock in the forenoon or so soon thereafter

as Counsel for the Claimant/Applicant may be heard on behalf of the Applicant for:

(1) An order of interlocutory injunction restraining the 2nd defendant, by itself, agents, and or privies from however working on the piece of land measuring 1 hectare situate at Badagry, Lagos, pending the final determination of the substantive suit.

1 MK

AND for such further order or orders as the Honourable Court may deem fit to make in the circumstances.

Dated this..... day of.....2016 ½ Mk

XXXXXXXX, Esq.

Claimant Applicant's Counsel

Address:..... ½ Mk

ON NOTICE TO:

1. 1st Defendant

Lagos State Ministry of Justice

Ikeja, Lagos.

2. The 2nd Defendant

Address:..... 1 Mk

Assuming that I was before the Court, I would move the application as follows:

★ My Lord, before this Honourable Court is a Motion on Notice brought pursuant to Order.... Rule.... of the High Court of Lagos State Civil Procedure Rules, 2012, under the inherent jurisdiction of this Honourable Court.

★ The Motion is dated..... and filed on.....

★ The Motion is praying the Court for:

1) An order of interlocutory injunction restraining the 1st defendant, by itself, agents and or privies from howsoever working on the piece of land measuring 1hectare Situate at Badagry, Lagos, pending the final determination of the substantive suit.

★ The Motion is supported by an affidavit of paragraphs deposed to by the Claimant/Applicant. We rely on all the paragraphs of the affidavit, especially paragraphs.....

★ The Motion is also supported with a written address in Compliance with the **Order..... Rule.... Of the High Court of Lagos State (Civil Procedure) Rules, 2012.**

★ We urge the Honourable Court to grant his application. We are most obligcd my Lord (or thank you, my lord or any other words of courtesy). **2 MK**

(h)

If judgment is entered in favour of Mr. Garba Damson, I would apply for warrant of possession on his behalf in order to ensure that he enjoys the fruit of the judgment. **1 Mk**

COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL
CIVIL LITIGATION MARKING SCHEME
BAR PART 11 SEPTEMBER 2016

SECTION B

QUESTION 4 (COMPULSORY)

a. (i) Seek Leave of Court by way of a Motion Ex parte to bring an action in a representative capacity. The application is supported by an affidavit and a written address. The mandate of the Otedo Family authorizing them to sue on behalf of the family should be exhibited in the affidavit in support of the application. **2MKS**

(ii) Motion Ex parte and affidavit in support

IN THE HIGH COURT OF LAGOS STATE

IN THE LAGOS JUDICIAL DIVISION

HOLDEN AT LAGOS

(Note: Any judicial division in Lagos is acceptable)

Suit No.....½ Mk

BETWEEN

1. Simeon Otedo

2. Jide Otedo

3. Rufus Otedo.....APPLICANTS

(Suing for themselves and on behalf of the Otedo

Family of Iruakpa Community of Lagos State)

1MK

AND

Builders Niger Ltd.....RESPONDENT. ½ MK

MOTION EX PARTE

Brought Pursuant to Order 39 Rule 1 of the High Court of Lagos

State (Civil Procedure Rules) 2012 and under the inherent jurisdiction of this Honourable Court.

TAKE NOTICE that this honourable court will be moved on theday of....2016 at the hour of 0' clock in the forenoon or so soon thereafter, as counsel may be heard on behalf of the Applicants praying for the Court for the following orders:

1. AN ORDER granting leave to the Appicants to sue in a representative capacity.

2. AND for such further order or orders as the Honourable Court may deem fit to make in the circumstances.

Dated this..... day of.....2016 ½ Mk

.....

Segun Fulani Esq.

(Applicant' s Counsel)

Segun Fulani &Co.

5 Nigerian Law School Road,

Ikoyi

Lagos ½ Mk

IN THE HIGH COURT OF LAGOS STATE

IN THE LACOS JULDICIAL DIVISION

HOLDEN AT LAGOS

(Note: Any judicial division in lagos is acceptabie)

Suit No.....½ Mk

BETWEEN

1. Simeon Otedo

2. Jide Otedo

3. Rufus Otedo.....**APPLICANTS**

(Suing for themselves and on behalf of the Otedo

Family of Iruakpa Community of Lagos State)

1MK

AND

Builders Niger Ltd.....RESPONDENT. ½ MK

AFFIDAVIT IN SUPPORT OF MOTION EXPARTE