

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Civil Procedure.

FACTS:

This appeal is against the decision of the High Court Warri. The suit was commenced in the Warri High Court by originating summons in which the Itsekiri Communal Land Trustees (as plaintiffs) have brought the people of the Ugborodo and Ogidigben to Court to determine who are entitled to a certain sum of money which had been ordered to be deposited in Court in another suit pending in the Warri High Court. On the face of the summons, one Dick Olueh (1st defendant), Ojogbo Erugbokuo (2nd defendant), Amorighoye Okpe (3rd defendant), and Tsuku Ejuetami (4th defendant) were shown as representing the people of Ugborodo and Ogidigben. Pleadings were ordered on 9th June, 1969. Before these were filed, however, the plaintiffs made two applications to the Court, one for extension of time within which to file their statement of claim, the other that one Babine Ereku (now 2nd respondent), Olleh Akpienyi (now 3rd respondent) and Aniretoronwa Okotie-Uro (now 4th respondent) be substituted for the 1st, 2nd and 3rd defendants to defend with the 4th defendant the matter in the originating summons for and on behalf of the people of Ugborodo and Ogidigben.

The Trial Court granted the applications. Aggrieved, the two replaced defendants filed an application for leave to appeal, which was struck out. Parties eventually settled, and a consent judgment was entered on their behalf. Dissatisfied with the consent judgment, the two replaced defendants appealed to the Supreme Court.

ISSUES:

The Court determined the appeal based on the issues as formulated by the parties.

DECISION/HELD:

In the final analysis, the Supreme Court held that there were no arguable grounds of appeal and dismissed same with costs.

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