

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Limitation Law.

FACTS:

The appellant as plaintiff in the High Court of Justice of Kano State sought the following reliefs against the respondents:-

"(a) A declaration that the plaintiff still (sic) in the service of the defendants and that he is entitled to his full remunerations and leave allowance since dismissal.
(b) A declaration that the letter of his dismissal dated 30th January, 1996 and letter of interdiction dated 22nd August 1995 are null and void and of no effect.
(c) A declaration that the plaintiff is entitled to all his allowances as an employee of the defendants.

(d) A declaration that the plaintiff who is an employee of the defendants be with immediate effect re-instated by the defendants."

Pleadings were exchanged by the parties. After the appellant had given evidence and closed his case, the defendant/respondents filed their statement of evidence. On 18/4/2000 learned counsel for the respondents moved a motion for the dismissal of the suit for being statute barred. The learned counsel for the appellant filed a counter affidavit.

The learned trial judge after going through the gamut of appraising the evidence before held that the suit was filed outside the 3 month period required by the law and is therefore statute barred.

Aggrieved by the decision the plaintiff appealed to the Court of Appeal Kaduna division. The Court affirmed the decision of the Court of first instance and dismissed the appeal. Again the plaintiff was aggrieved by the dismissal of his appeal, and he appealed to the Supreme Court

ISSUES:

The Supreme Court adopted the following issue for the determination of the appeal viz: "whether or not the action of the appellant is statute barred as found as a fact by the two lower Courts."

DECISION/HELD:

On the whole, the Supreme Court held that the appeal failed in its entirety and same was dismissed.

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