

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Landlord and Tenant relationship.

FACTS:

This appeal is against the decision of the Lagos Division of the Court of Appeal. The appellant was the plaintiff at the trial High Court of Lagos State while the respondents were the defendants. The appellant had purchased the property known and described as No.4 Oyewunmi close, Surulere, Lagos from the estate of Michael Abiodun Joseph for the sum of N1.1 million (One million, one hundred thousand naira). Consequent upon the purchase, the respondents who were tenants in the property challenged the appellant's authority and ownership of the property on the ground that the estate of Michael Abiodun Joseph ought to have given them the first option to purchase the property.

The High Court declared as between the appellant and the respondents, that the appellant was the beneficial owner of the property and was entitled to recover possession of same from the defendants on service of the relevant statutory notice. The judgment of the High Court was later set aside upon appeal to the Court of Appeal by the respondents and the appellant's claims were dismissed. Dissatisfied, the appellant appealed to the Supreme Court.

ISSUES:

The Appellant formulated three issues which the Supreme Court adopted for the determination of the appeal as follows:

1. Whether the respondents denied the title of the appellant as the landlord of the property situate at No. 4 Oyewunmi Close, Surulere, Lagos and thereby incurred the penalty of forfeiture of their tenancy.
2. Whether the respondents are entitled to be served Statutory Notices inspite of their denial of the appellant's title to the property.
3. Whether from the facts of this case, the appellant in this case is entitled to mesne profit.

DECISION/HELD:

In the final analysis, the Supreme Court allowed the appeal in part. The decision of the Court of Appeal which set aside in totality the judgment of the High Court which granted possession to the Appellant was set aside while the part of the decision of the Court of Appeal on mesne profit was affirmed.