

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Sale of Property.

FACTS:

This is an appeal against the judgment of the Court of Appeal, Lagos Division, delivered on 31/12/2013, unanimously dismissing the Appellant's claim and affirming the judgment of the High Court of Lagos, delivered on 6/5/2005.

The Appellant, a transport company and a tenant of the 1st-4th Respondents, sued them at the trial High Court claiming an order of specific performance of the agreement for the sale of the property to her situate at No. 1, Ikorodu Road, Jibowu, Yaba, Lagos.

The appellant was a tenant to the 1st - 4th respondents in their family property at No. 1 Ikorodu Road, Jibowu, Lagos State and the appellant sought to buy the said property from the 1st - 4th respondents who were willing to sell. The two parties then set out on negotiations without reaching a consummation, at which the 1st - 4th respondents sold to the 5th respondent which transaction provoked the appellant into the action by writ of summons for a specific performance of the agreement between appellant and the 1st - 4th respondents and for the 1st - 4th respondents to collect the bank drafts for the sum of N18 Million and N233,000.00 already issued representing the purchase price of the property now in dispute and for the appellant to remain in possession pursuant to the said agreement.

The 1st-4th Respondents' defence was that they went into another transaction because the Appellant failed to consummate the transaction and that warranted the 1st-4th Respondents' decision to sell the land to the 5th Respondent. The 5th Respondent in this appeal counter-claimed for an order of declaration that he is the rightful owner of the property in question by virtue of the transaction between him and 1st-4th Respondents, amongst other reliefs.

At the end of the trial, the Court held that the 5th Respondent is the rightful owner of the property by virtue of his transaction with the 1st -4th Respondents and entitled to the right of occupancy in respect of the said property, and dismissed the Appellant's claim.

Dissatisfied, the Appellant appealed to the Court of Appeal and the Court unanimously dismissed the appeal.

Being dissatisfied, the appellant further appealed to the Supreme Court.

ISSUES:

The Court determined the appeal based on the following issues for determination:

1. Whether there was no valid and subsisting contract of sale of the property in dispute between the Appellant and the 1st-4th Respondents to transfer title to the Appellant.
2. Whether the 5th Respondent was a bona fide purchaser for value without notice.
3. Whether the failure of the lower Court to consider the Appellant's issues 2 and 3 did not amount to denial of fair hearing.

DECISION/HELD:

In the final analysis, the Supreme Court dismissed the appeal and affirmed the decision of both the trial Court and Court of Appeal.