

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Limitation Period to bring an action founded on Contract.

FACTS:

This is an appeal against the decision of the Court of Appeal sitting in Jos.

The Respondent is a company engaged in the manufacture of tyres, while the appellant is a businessman. In 1989, the appellant entered into a dealership contract with the respondent. That is to say the appellant became a motor tyre dealer/distributor. According to the terms of the contract the appellant was to pay and he paid a refundable deposit which was retained by the respondent. In the course of the contract, a dispute arose as to whether the appellant was indebted to the respondent and whether the respondent was right to withhold the refundable deposit and bonuses to offset part of the indebtedness. In 1999 the appellant demanded for the refundable deposit and bonuses. The respondent was unyielding and communicated his refusal to the appellant in its letter dated 26 July 1999.

Aggrieved by the attitude of the respondent, the appellant as claimant filed suit No: PLD/J/153/2007 before a Plateau State High Court. Dakyen CJ Plateau State sitting in Jos presided. His Lordship, in a considered judgment delivered on 1 June, 2011, found in favour of the claimants.

Dissatisfied with the judgment of the High Court the respondent filed an appeal. The appeal was heard by the Court of Appeal. On 27 June, 2013 judgment was delivered. The Court found that the suit was statute barred and declined to address other issues. The Court's reasoning was that it would amount to a futile academic exercise. Dissatisfied, the Appellant appealed to the Supreme Court.

ISSUES:

The Court determined the appeal on this sole issue couched as follows:

"Whether the Court below was right when it held that the appellant's action is statute barred by virtue of Section 18 of the Plateau State Limitation Law (Edict No 16, 1988)."

DECISION/HELD:

On the whole, the Court found no merit in the appeal and accordingly dismissed same.