

30/11/2020 Official
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IN THE COURT OF APPEAL
ENUGU JUDICIAL DIVISION
HOLDEN AT ENUGU STATE

ON FRIDAY, THE 29TH DAY OF MARCH, 2019

BEFORE THEIR LORDSHIPS:

HON. JUSTICE M.B. DONGBAN-MENSEM - JUSTICE, COURT OF APPEAL.
HON. JUSTICE C.E. IYIZOBA - JUSTICE, COURT OF APPEAL.
HON. JUSTICE J.O.K. OYEWOLE - JUSTICE, COURT OF APPEAL.

APPEAL NO: CA/E/12/2012

BETWEEN:

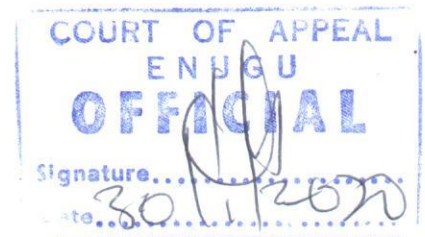
JOHN NDUBUEZE MUNONYEDI
DUBEM MUNONYEDI
ONYEKWELU MUNONYEDI
(for themselves and as representing
the NWANKWO MUNONYEDI
branch of MUNONYEDI OMEILI family of
Ogbaba Quarters of Umuase)

==== APPELLANTS

AND

AKUNWAFOR RALPH CHUKWUMA MUNONYEDI
CHARLES NWACHUKWU OKAFOR
OKECHUKWU MUNONYEDI
RESPONDENTS
NNAMDI OKAFOR
(for themselves and representing the
OKAFOR MUNONYEDI
branch of MUNONYEDI OMEILI family of
Ogbaba Quarters of Umuase)

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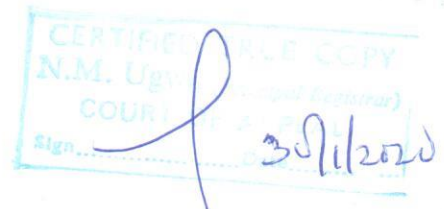
JUDGMENT

DELIVERED BY MONICA BOLNA'AN DONGBAN-MENSEM,

JCA

1. On The Power Of The Court To Join Parties In A Suit Suo

Moto



The court has the inherent power to join in a suit *suo moto*; parties whose presence in the suit is imperative to give effect or force to the order of the Court. Having failed to do this, any claim or relief relating to **Davis Agunkwo Ajude**, who was not made a party to the suit, as regards the subject matter will not stand.

2. Whether Claims To An Ancillary Relief Can Be Granted Where The Main Relief Fails

Since the main relief claimed by the Respondent was dismissed in view of the fact that Davis Agunkwo Agude was not a party to the suit, in respect of the subject matter, which is the land, all other ancillary reliefs claimed by the Respondent in relation to the said subject matter would fail because the court would lack jurisdiction to grant them.

"A court cannot therefore adjudicate on an ancillary relief when the main relief had been dismissed as it would be lacking in jurisdiction. The Ancillary reliefs would as a result fail owing to the fact that Davis Agunkwo Ajude was not made a party to the suit thereby making the entire proceedings a nullity."

See OLAOLUWA FAYEMI V. SIR L.S. AME (2005) 15 NWLR (Pt. 1104) _ . 315 at 342 para C-E.

3. Whether A Relief For An Injunction Can Stand Alone To Sustain An Action

A relief for an injunction cannot stand alone to sustain an action so it will also be dismissed along with other reliefs.



MRS FALAKE MUDASHIRU V. PERSONS UNKNOWN & 5 ORS (2004) 5
ILAW (CA/L/131/2002, TUKUR V. GOVERNMENT OF GONGOLA
STATE (1989) A.N.L.R. 575.

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