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30/1/2020

OFFICIAL

IN THE COURT OF APPEAL
IN THE ENUGU JUDICIAL DIVISION
HOLDEN AT ENUGU STATE
ON THE 24TH DAY OF JUNE, 2019.

COURT OF APPEAL
ENUGU
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Signature.....
Date... 30/1/2020

BEFORE THEIR LORDSHIPS

HON. JUSTICE M.B. DONGBAN-MENSEM - JUSTICE, COURT OF APPEAL
HON. JUSTICE J. O. K. OYEWOLE - JUSTICE, COURT OF APPEAL
HON. JUSTICE A.S. UMAR - JUSTICE, COURT OF APPEAL

APPEAL NO.:CA/E/192/2013

BETWEEN:

MESSRS U. MADUKA ENTERPRISES (NIG) LTD == APPELLANT
AND

- 1. BUREAU OF PUBLIC ENTERPRISE**
- 2. OTUNBA OLUTOLA SUNBORE
(THE LIQUIDATOR)**
- 3. NATCOM CONSORTIUM DEVELOPMENT
& INV. LTD
(TRADING AS NTEL)
(Substituted on the 4th of July, 2017)**

} == RESPONDENTS

JUDGMENT

DELIVERED BY MONICA BOLNA'AN DONGBAN-MENSEM, JCA

***On The Meaning Of Time Limitation/Statute Bar And
Whether There Is A Time Limitation For The Enforcement Of
Judgment***

Time limitation/statute bar has to do with a party sleeping on his right and failing to take positive steps to initiate proceedings for redress of necessity, the period to take steps is limited otherwise. The great grand child of an aggrieved party can grow up and at the age of 21, discover that his father was owed some money by another family. He would then come to Court and expect the Court to receive

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his case. No. However, if the great grandfather initiated the process in court but the case is not completed by the delivery of a Judgment the great grandchild is not precluded by the passage of time (effluxion of time) to continue where his great grandfather stopped. In this appeal, the aggrieved party did not sleep on his right. He initiated the proceedings. Everything in between is a continuation of the initial step he took. He cannot be stopped by time which upon commencement is now determined by the proceedings in court which is from time to time punctuated by the interests of other parties in the proceedings. The time limitation as in statute limitation is as to time of commencement not conclusion which is totally out of the control of the complainant. At the conclusion of a matter, the initiator/aggrieved party is either granted what he seeks for the court or denied. Whereas in this appeal, the Appellant is granted what he asked for, until he takes possession of that which he seeks, the matter is not concluded.

The situation is however totally different with election proceedings where every vital step is time-lined and necessarily so. A tenure of four years cannot be litigated for over a period of four years. Further, unlike in ordinary civil litigation where each case takes its turn, election matters take precedence over all other matters. The appeal under consideration does not enjoy such special status in litigation. See SIFAX (NIG) LTD V. MIGFO (NIG) LTD (2018) 9 NWLR (Pt. 1623) 138

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