

IN THE HIGH COURT OF LAGOS STATE
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT IKORODU

SUIT NO. *(K.O) 123/2006*

BETWEEN:

- 1. ALHAJA OMOBOLA BANKOLE
 - 2. YEM BANKOLE
 - 3. MRS. ESI KUYORO
- } CLAIMANTS

AND

- 1. ENGR. S.O. OLUSEYE
 - 2. OLUWA - LAMBE IDOWU
- } DEFENDANTS

STATEMENT OF CLAIM

1. The Claimants are the owners of the 4 plots of land marked 8, 9, 10 & 11 on the survey layout prepared by Mr. Femi Kasim registered surveyor
2. The Claimants purchased the Land, the subject matter of this suit from the Defendants.
3. The 1st & 2nd Defendants are land owners who sell land to interested buyers
4. The Defendants sold the land, the subject matter of this suit to the Claimants.
5. The 1st Claimant avers that he paid the sum of N45, 000 (Forty Five Thousand Naira) to the 1st Defendant in this suit in 1977 as part payment for the purchase of the land and a receipt dated the 18th day of November, 1997 was issued to that effect. The said receipt is hereby pleaded and shall be relied upon during the trial of this case.
6. The 1st Claimant aver that after the 1st Defendant was unable to put her into possession he 'the 1st Defendant' introduced her to the 2nd Defendant who promised to put her in possession of two plots of land at Iwo-Elepe village, ex-cession, Ikorodu if she can pay the balance of the purchase price.
7. The 1st Claimants avers that she paid the sum of N200, 000 (Two Hundred Thousand Naira) to the 2nd Defendant in this suit in 2006 for the said two plots of land at Ikorodu (Ewu - Elepe), Lagos State which is evidenced by a receipt issued by the 2nd Defendant dated 29th of May, 2006 being full and final payment for the two plots of Land which is marked plots 8 & 9 on the survey layout prepared by Mr. Femi Kasim registered surveyor. The said receipt is hereby pleaded and shall be relied upon during the trial of this suit.

- The 1st Claimant avers that he paid the sum of **₦120,000 (One Hundred and Twenty Thousand Naira)** to the 2nd Defendant in this suit in 2006 for a plot of land at Ikorodu (Ewu - Elepe), Lagos which is evidenced by receipt Number: **0000361** issued by the 2nd Defendant dated 29th May, 2006 being full and final payment for a plot of Land which is marked plot 10 on the survey layout prepared by **Mr. Femi Kasim** registered surveyor. The said receipt is hereby pleaded and shall be relied upon during the trial of this suit.
9. The 1st Claimant avers that she paid the sum of **₦120,000 (One Hundred and Twenty Thousand Naira)** to the 2nd Defendant in this suit in 2006 for a plot of land at Ikorodu (Ewu - Elepe) Lagos which is evidenced by receipt number **0000360** issued by the 2nd Defendant dated 29th May, 2006 being full and final payment for a plot of Land which is marked plot 11 on the survey layout prepared by **Mr. Femi Kasim** registered surveyor. The said receipt is hereby pleaded and shall be relied upon during the trial of this suit.
10. The Claimants aver that the 1st Defendant showed them a survey plan prepared by **Mr. Femi Kasim** a registered surveyor and also told them that the money they paid to him is in respect of the land marked plots 8, 9, 10 and 11 respectively on the survey plan. The said survey plan is hereby pleaded and shall be relied upon during the trial of this suit. The 1st Defendant is hereby put on notice to produce the original of the said survey plan.
11. The Claimants aver that the Defendants promised to put the 1st Claimant into possession of Land marked 8 and 9 on the survey layout.
12. The Claimants aver that the Defendants promised to put the 2nd Claimant into possession of Land marked 10 on the survey layout.
13. The Claimants aver that the Defendants promised to put the 1st Claimant into possession of Land marked 11 on the survey layout.
14. The Claimants aver that the Defendants did not give them a Deed of Assignment in respect of the 4 plots of land and that they have requested for it but all they got in response is a mere promise by the Defendants concerning the Deed of Assignment.
15. The Claimants aver that the 1st Defendant also gave them a photocopy of an agreement between **SHOTUYO - IAOLU FAMILY and ALHAJI LAMIDI ODULOYE** dated 30th July, 1975. This agreement is hereby pleaded and shall be relied upon at the trial of this suit as an evidence of transaction.
16. The Claimants aver that the 1st Defendant gave them an undated deed of assignment between **Alhaji Lamidi Oduloye** and himself evidencing that he is the owner of the land they bought. The said deed is hereby pleaded and shall be relied upon at the trial of this suit as an evidence of transaction.

- 17. The Defendants have failed to put the Claimants in actual possession of the plots of land purchased by the Claimants since the total sum for the purchase of the land has not been paid.
- 18. The Claimants aver that they have on several occasions called and visited the Defendants in this suit to put them in possession of the land they purchased from them but the Defendants have been giving one excuse or the other.
- 19. The Claimants instituted this action to recover their plots of land from the Defendants since all avenues have failed.

20. WHEREUPON the Claimants claim against the Defendants as follows -

- (i) An Order declaring that the Claimants are entitled to the statutory right of occupancy of the four (4) plots of Land marked as 8, 9, 10 & 11 on the survey layout prepared by Mr. Femi Kasim Registered Surveyor
- (ii) An Order directing the Defendants to put the Claimants into possession of the four (4) plots of Land located at Ikorodu Local Government, being portion of Ewu - Elepe Village excision.
- (iii) And in alternative the sum of N20, 000, 000 (Twenty Million Naira) as exemplary damages against the 1st & 2nd Defendants jointly and severally for failure to put the Claimants in possession of the property.

Dated this 21st day of August, 2013

S/Claims - *stow*

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FOR SERVICE ON:

- 1. THE 1ST CLAIMANT
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