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Form 1

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

General Form of Writ of Summons  
(O. 3, R. 3)

SUIT NO: 10/373/13

14/5/13  
S. 52

BETWEEN

ALHAJI ADUN KAREEM

CLAIMANT

AND

PERSONS UNKNOWN

DEFENDANT

TO THE DEFENDANTS: PERSON UNKNOWN of Nos 46A & 46B Yetunde Brown Street, Ifako, Gbagada, Lagos.

You are hereby commanded that within forty two (42) days after the service of this writ on you, inclusive of the day of such service you do cause an appearance to be entered for you in an action at the suit of THE CLAIMANT ALHAJI ADUN KAREEM and take notice that in default of your so doing the Claimant may proceed therein, and judgment may be given in your absence.

DATED this 14<sup>th</sup> day of May 2013

*T. O. Ojo*  
Registrar

Memorandum to be subscribed on the writ.

N.B:

This writ is to be served within six (6) months from the date thereof, or, if renewed, within three (3) months from the date of the last renewal, including the day of such date, and so afterwards.

**Forms of Writ of Summons, etc- continued**

The Defendant may enter appearance personally or by Legal Practitioner either by handing in the appropriate forms, duly completed, at the Registry of the High Court of the Lagos Judicial Division in which the action is brought or by sending them to the Registry by registered post.

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INDORSEMENTS

The Claimant's claims against the Defendant is follows:

A. A DECLARATION that the Claimant is the rightful owner and is entitled to quiet possession of all that two plots of land situate and lying of No. 46A and 46B Yetunde Brown Street, Ifako, Gbagada Lagos in Kosofe Local Government Area of Lagos measuring 1433.345 Sq. metres more delineated in plan No. DY93/LA/85 covered by a Certificate of Occupancy registered at the Lagos State Land Registry at No 35A of page 35A in Vol. 2011x dated 27/01/2012

B. A DECLARATION that the Defendants are unauthorised trespassers on the Claimant's property lying and situate at No. 46A and 46B Yetunde Brown Street, Ifako, Gbagada Lagos in Kosofe Local Government Area of Lagos measuring 1433.345 Sq. metres more delineated in plan No. DY93/LA/85 covered by a Certificate of Occupancy registered at the Lagos State Land Registry at No 35A of page 35A in Vol. 2011x dated 27/01/2012

C. AN ORDER of perpetual injunction restraining the Defendant from any further acts of trespass on the Claimant's property of No.46A and 46B Yetunde Brown Street, Ifako Gbagada, Lagos in Kosofe Local Government Area of Lagos State measuring 1433.345 Sq. metres more delineated in plan No. DY93/LA/85 covered by a Certificate of Occupancy registered at the Lagos State Land Registry at No 35A of page 35A in Vol. 2011x dated 27/01/2012

D. N1, 000,000.00 (One Million Naira) being general damages against the Defendants for trespass on the said two plots of land.

This writ was issued by Olukayode Olubando Esq. of OLUKAYODE OLUBANDO & CO, whose address for service is 49, Lawson Street, Onikan, Lagos Agent of \_\_\_\_\_ Legal Practitioner for the said Claimant who resides at \_\_\_\_\_ (Mention the city, town or district and also the name of the street and number of the house of the claimant's residence, if any)

Indorsement to be made on copy of the writ of further affidavit service.

This Writ was served by me at \_\_\_\_\_ on the Defendant (here insert mode of service) on the \_\_\_\_\_ day of \_\_\_\_\_ 2013

Indorsed this \_\_\_\_\_ day of \_\_\_\_\_ 2013

(Signed)

(Address)

Before this writ is issued the following certificate must be indorsed as

The Registry, High Court of Lagos State

In the \_\_\_\_\_ Judicial Division

A sufficient affidavit in verification of the indorsement on this writ to authorise the sealing hereof has been produced to me this \_\_\_\_\_ day of \_\_\_\_\_ 2013

(Signature of Registrar)

001099037

14/5/12

N4,500/-  
P450/-  
M4,550

N/Simmons  
Clerk

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10/373/13

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

SUIT NO.....

BETWEEN

ALHAJI ADIGUN KAREEM..... CLAIMANT

AND

PERSONS UNKNOWN..... DEFENDANT

STATEMENT OF CLAIM

1. The Claimant is a businessman, Nigerian Citizen of No. 1 & 3 Ogunseye Road, Ajasa Compound, Ipaja, Lagos State, within the jurisdiction of the Honourable Court and the Legal and equitable owner of the two plots known as No. 46<sup>A</sup> & 46<sup>B</sup> Yetunde Brown Street, Ifako Gbagada, Lagos in Kosofe Local Government Area of Lagos State measuring **1433.345 sq metres**, more particularly delineated in plan No. **DY93/LA/85** covered by a Certificate of Occupancy registered at the Lagos State Land registry at No. 35<sup>A</sup> at 35<sup>A</sup> in vol. 2011<sup>A</sup> dated 27/1/2012.
2. The Defendant herein are persons unknown who had encroached on the Claimant's property to continue development of same by digging for foundation on the Claimant's lands and all efforts made by the Claimant to know their identity proved abortive.
3. The Claimant avers that he is the Legal, equitable and beneficial owner of the Land situate and lying at 46<sup>A</sup> and 46<sup>B</sup> Yetunde Brown Street, Ifako Gbagada, Lagos State in Kosofe Local Government Area of Lagos State
4. The Claimant avers that he equally engaged the service of a licenced Surveyor who carried out a survey exercise on the two plots of land which survey plan alongside other documents were used to obtain a Certificate of Occupancy from the Lagos State Government having paid all the Statutory Fees.
5. The Claimant avers that the said Lagos State Government Certificate of Occupancy is registered at the Lagos State Lands Register as No. 35<sup>A</sup> at page 35<sup>A</sup> in vol. 2011<sup>A</sup> dated the 27<sup>th</sup> day of January, 2012. The said Certificate of Occupancy is pleaded and shall be relied upon at the trial of this Suit.
6. The Claimant avers that he also employed the services of architects and labourers to design and erect slabs, fence, gate, concrete foundation on the said two plots of land which they did and he thereafter locked it up.

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7. The Claimant avers that he further incurred expenses whilst processing and procured the perfection of his title to obtaining a Certificate of Occupancy to the said two plots of Land.
  8. The Claimant avers that he thereafter travelled out of Nigeria to Benin Republic and returned in 2010.
  9. The Claimant avers that upon his return to Nigeria, he visited his two plots of land sometime in **October, 2010**, in order to structure how to complete construction of the said property only to discover that the padlock he used had been changed and that some people had encroached on his property by digging and about to lay foundation on this property.
  10. The Claimant avers that all effort to establish the identity of the trespassers on his property proved abortive after several efforts.
  11. The Claimant avers that he went to the Akerele family's office to enquiry if the said two plots of land has been sold to another person and it was confirmed that the said land has not being re-sold. This led the Claimant to institution this action against the unknown persons.
  12. The Claimant avers that he eventually entered upon his property on the **10<sup>th</sup> of May, 2013**, and further employed the services of labourer to clear all the materials on the property and take possession of same.
  13. The Claimant avers that he now fears that the unknown persons may come back violently to resist the occupation of his property and thus I seek the sanction of this Honourable Court and the prayers sought in the Writ of Summons.
  14. The Claimant shall contend at the trial of this Suit that the unknown persons are trespassers who have no interest nor right to be on his property, and by reason of the Defendant' action, the Claimant is being denied the opportunity of having peaceful and quiet possession of his property for the purpose for which he procured same as he fears the return of the unknown persons.
  15. The Claimant further stress that the Defendant may return to continue their acts of trespass on his property unless restrained by the order of this Honourable Court.
  16. **WHEREOF**, the Claimant claims against the Defendants are as follows:
    - a. **A DECLARATION** that the Claimant is the rightful owners and or entitled to quiet possession of all that two plots of land situate and

lying at No. 46<sup>A</sup> & 46<sup>B</sup> Yetunde Brown Street, Ifako, Gbagada, Lagos State in Kosofe Local Government Area of Lagos State measuring approximately 1433,345 sq metres more delineated in plan NO. DY93/LA/85 covered by a Certificate of Occupancy registered at the Lagos State lands Registry at No. 35<sup>A</sup> at page 35<sup>A</sup> in vol 2011<sup>A</sup> dated 27/01/2012.

- b. **A DECLARATION** that the Defendants are unjustifiable trespassers on the Claimant's property lying and situate at No. 46<sup>A</sup> & 46<sup>B</sup> Yetunde Brown Street, Ifako, Gbagada, Lagos in Kosofe Local Government Area of Lagos State, measuring approximately 1433,345 metres more particularly delineated in plan No. DY93/LA/85 covered by a Certificate of Occupancy registered at the Lagos State Land Registry as No. 35<sup>A</sup> at page 35<sup>A</sup> in vol 2011<sup>A</sup> dated 27/01/2012.
- c. **AN ORDER** of perpetual injunctions restraining the Defendant from any further acts of trespass on the Claimant's property at No. 46<sup>A</sup> & 46<sup>B</sup> Yetunde Brown Street, Ifako, Gbagada, Lagos in Kosofe Local Government Area of Lagos State measuring approximately 1433,345 sq. metres more particularly delineated in plan No. DY93/LA/85 covered by a Certificate of Occupancy registered at the Lagos State Land Registry as 35<sup>A</sup> at page 35<sup>A</sup> in vol 2011<sup>A</sup> dated 27/01/2012.
- d. **₦1,000,000.00 (One Million Naira)** being general damages against the Defendants for trespass on the said two plots of land.

Dated this 14<sup>th</sup> day of May 2013.

*[Signature]*  
Olu Kayode Olubando Esq.  
Olu Kayode Olubando & Co.  
49, Lawton Street, Onikan  
Lagos Island  
Tel: 0802369515, 08075834939  
Email: kayode.olubando@yahoo.com

**FOR SERVICE ON**  
The Defendants  
Unknown Persons  
46<sup>A</sup> & 46<sup>B</sup> Yetunde Brown  
Street, Ifako, Gbagada,  
Lagos

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DO405/2013

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14/5/13

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