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

25/4/13
11.30 AM

SUIT NO: ID/317/2013

BETWEEN:

- (1) OBA NLE ARC TRADING CO. LIMITED
(2) PASTOR (DR) ADEMOLA WEMIMO ODUNAIYA
(EXECUTOR OF THE LAST WILL
AND TESTAMENT OF PASTOR IDRIS
ADELAJA ODUNAIYA (DECEASED)
(3) ELDER WALE ODUNAIYA
(FOR HIMSELF AND ON BEHALF
OF THE EXECUTORS OF THE LAST
WILL OF SOLOMON ADEPOLABI
ODUNAIYA (DECEASED)).
- } CLAIMANTS

AND

- (1) ERNEST NDUKWE }
(2) PERSONS UNKNOWN } DEFENDANTS

STATEMENT OF CLAIM

- (1) The 1st Claimant is a Limited Liability Company incorporated pursuant to the Laws of the Federal Republic of Nigeria, with its office address at 110-113, Demurin Street, Ketu Alapere, Lagos State.
- (2) The 2nd Claimant is a Director and Managing Director of the 1st Claimant Company and also the only surviving Executor of

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Last Will and Testament of **Pastor Idris Adelaja Odunaiya (Deceased)**.

The 3rd Claimant is an Executor of the Last Will and Testament of **Pastor Solomon Adefolabi Odunaiya (Deceased)**.

The Claimants aver that sometime in 1974, owing to the need by the 1st Claimant to establish an Industrial/Manufacturing Complex, it purchased a large acreage of **Land at Mende Village, Onigbongbo, Ikeja, Lagos State, from the Oyero family of Onigbongbo.**

The 1st Claimant bought a parcel of the said Land measuring approximately **3.146 Acres at Mende Village Onigbongbo, Lagos State**, in its name and title was registered as No: 92 at page 92 in volume 1503 of the Lands Registry at Lagos.

That another parcel of the said Land at Mende Village, measuring approximately **3.185 Acres**, was purchased by the 1st Claimant in the name of **Pastor Idris Adelaja Odunaiya (Deceased)** then a Director and shareholder of the 1st Claimant, from the **Oyero Family**. The title thereto was perfected and registered as No: 15 at page 15 in volume 1461 of Lands Registry, Lagos.

The Claimants aver that a further conveyance of another parcel of Land at **Mende Village** measuring approximately **2.854 Acres** was secured by the 1st Claimant from the Oyero Family, in the name of **Pastor Solomon Adefolabi Odunaiya (Deceased)** then also a Director and Shareholder

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of the 1st Claimant. The title thereto was registered as No: 16
at page 16 in volume 1461 of the Lands Registry, Lagos.

- (8) The Claimants aver that even after the conveyance of the Land to them by the **Oyero Family**, the Claimants' title to a portion of the property, covered by the Deed of conveyance registered as No: 92/92/1503, was further ratified by one **Dali Lasisi and Wosilatu Bushi**, pursuant to a Deed of Ratification registered as No: 5/5/1525 of the Lands Registry, Ikeja, Lagos State, following the judgment of the **High Court, Ikeja, per B.O. Kazeem** in Suit No: Ik/128/66- **Raji Adebisi Ashabiyi & Anor vs- Dali Lasisi & Anor.**, delivered on the 29th June 1975.
- (9) After the acquisition of the parcels of Land from the **Oyero Family** as aforesaid in 1974, and because of the swampy nature of the Land, the Claimants expended huge sums of money to sand fill the said Land.
- (10) The Claimants aver that apart from the act of reclaiming the Land as aforesaid, they also carried out acts of possession on the Land, such as clearing the dense forest on the Land and commissioning the survey of the vast expanse of Land.
- (11) That sometimes in **September, 2007**, the Claimants observed acts of trespass on the Land by some persons claiming to have bought the Land from the **Oyero Family**, the predecessor-in-title of the claimants.
- (12) The Claimants consequently instituted a suit against one of the said trespassers which culminated in judgment delivered in favour of the Claimants in the consolidated Suit No.

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ID/21/2008-Wahab Asani & 4ors (for themselves and on behalf of Oyero Family) –vs- Oba Nle Aro Trading. Co. Limited & 2ors.

- (13) Notwithstanding the judgment in suit No: ID/21/2008, confirming the title of the Claimants to the vast expanse of Land at **Mende Village, Onigbongbo, Lagos State**, the Defendants herein are still trespassing on a portion of the Claimants' Land at **Canaa Walk, Mende Village**, having erected structures thereon.
- (14) The 1st Defendant claimed to have purchased the parcel of Land at **Canaa Walk, Mende Village, Onigbongbo, Lagos State**, from the 1st Claimant- **Oba Nle Aro Trading Co. Limited**, vide a Deed of Assignment registered as No: **5/5/1993**.
- (15) The Claimants aver that a perusal of the purported document of title of the 1st Defendant reveal that the said Deed of Assignment registered as No: **5/5/1993** is a fraud as the document was never executed by the Directors of the 1st Claimant at all material times.

PARTICULARS OF FRAUD.

- a. The Company Secretary to the 1st Claimant- **Oba Nle Aro Trading Co. Limited** at all material times to this suit is **Genasec Nominees Limited of Kresta Laurel Complex (4th floor), 376, Ikorodu Road, Maryland, Ikeja, Lagos State**. The Claimants shall at the trial of this suit rely on the letters dated **March, 1977, 20th April, 1999** and the particulars of Directors of the 1st Claimant filed by **Genasec**.

Nominees Limited on behalf of the 1st Claimant dated the 13th November, 1971.

- b. That the 2nd Claimant in this suit who is also currently the Managing Director of the 1st Claimant, at all material times acted as the Secretary to the Board of Directors of the 1st Claimant Company. The Claimants shall at the trial of this suit rely on the Minute Book of the 1st Claimant.
- c. The 1st Claimant Company has never appointed anyone else apart from the said **Senasec Nominees Limited** and the 2nd Claimant- **Pastor (Dr) Ademola Odunaiya**, to the position of Company Secretary and Secretary to the Board of Directors respectively, till date.
- d. That the signatures appearing on the Deed of Assignment registered as **No: 5/5/1993**, purportedly as that of a Director and a Secretary of the 1st Claimant Company, is neither that of any of the Directors of the Company nor is it the signature of the Company Secretaries or that of the 2nd Claimant as Managing Director and Secretary to the Board of Directors of the 1st Claimant Company.
- e. The 2nd Claimant at all material times to this suit is the Managing Director of the 1st Claimant Company but is neither aware of the sale of the Land subject of this suit, did not execute the purported Deed of Assignment in respect of same neither did he authorize the sale of the said Land at **Canaa Walk, Mende Village, Onigbongbo, Lagos State**, to the Defendants or anyone else.

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f. That at no time was any resolution passed by the Board of Directors of the 1st Claimant Company nor an authorization given to dispose of the said Land of the 1st Claimant Company at **Canaa Walk, Mende, Village Onigbongbo, Lagos State.**

g. The Deed of Assignment registered as No: 5/5/1993, is therefore a forgery and a fraud committed on the 1st Claimant Company and the other Claimants Herein.

(16) The 2nd Defendants-Persons Unknown are persons who have also trespassed on the Claimants' Land at **Canaa Walk, Mende Village, Onigbongbo, Lagos State**, but their identities are not known to the Claimants.

(17) That the area of Land trespassed upon by the Defendants herein, measures approximately **3.146 Acres** at **Canaa Walk, Mende Village Onigbongbo, Lagos State.**

(18) The Claimants aver that the Defendants have no interest/title whatsoever to the Land at **Canaa Walk, Mende Village, Onigbongbo, Lagos State.**

(19) WHEREOF the Claimants Claim against the Defendants jointly and severally, as follows:-

a. A declaration that the Claimants are the proprietary owners of the Land measuring approximately **3.146 Acres** situate lying and being at **Canaa Walk, Mende Village Onigbongbo, Lagos State**, pursuant to the Deeds of Conveyance registered as Nos: **92/92/1503; 15/15/1461 and 16/15/1461**

and the Deed of Ratification registered as No: 5/5/1525 of the Lands Registry.

- b. An order of perpetual injunction restraining the Defendants, their agents, privies, assigns or anyone else claiming for and for on their behalf, from committing further acts of trespass to the Claimant's Land measuring approximately 3.146 Acres situate, lying and being at Canaa Walk, Mende Village, Onigbongbo, Lagos State.
- c. N 1, 000,000:00 (One Million Naira) only as general damages for trespass committed by the Defendants.
- d. Possession of the Land measuring approximately 3.146 Acres, situate, lying and being at Canaa Walk, Mende Village, Onigbongbo, Lagos State.

Dated this 19th day of Apr 2013.



John Ajib
Olufemi Okunowo Esq.,
Okunowo Okunowo & co.
Claimants' Solicitors,
513/515, Ikorodu Road,
Ketu-Lagos.

FOR SERVICE ON:

1. The 1st Defendant,
Ernest Ndukwe,
26, Creck Road,