

**IN THE MAGISTRATE COURT OF LAGOS STATE
IN THE ETI OSA MAGISTERIAL DISTRICT
HOLDEN AT COURT NO 2, ETI OSA
TODAY, THURSDAY THE 22ND DAY OF AUGUST, 2024.
BEFORE HIS HONOUR: A.A FAMOBIWO (MRS)**

SUIT NO: MCE/287/CIV/2023

BETWEEN:

MR UCHEORA ONWUAMAEGBU..... CLAIMANT/RESPONDENT

AND

MR PRESLEY IYALAGHA..... DEFENDANT/APPLICANT

RULING

On the 11th day of July, 2024, Counsel to the defendant/applicant one Mr Emeke Ananyi moved his Notice of preliminary objection dated the 15th of April, 2024, seeking for a striking out of this suit on the ground that the annual rental value of the property in question being Twelve Million, Five hundred thousand Naira only (N12,500,000.00) exceeds the jurisdiction of this honourable Court. In support of the application, Counsel to the defendant/applicant filed an affidavit of six(6) paragraphs deposed to by one Segun Ojo and a written address both dated the 6th of April, 2024,

In opposition, Counsel to the claimant/respondent Mr Ademola Owolabi, filed an affidavit of ten (10) paragraphs deposed to by one Chinwe Isaac on the 2nd of May, 2024. The claimant/respondent also filed a written address dated same day wherein they urged the Court to refuse the prayer of the defendant/applicant.

Consequent upon the claimant/respondent's Counter affidavit, the defendant/applicant filed a further affidavit dated the 27th of May, 2024 deposed to by the same Segun Ojo to which they attached a reply on points of law dated same day.

The Court has looked at all the processes before it and I have also listened to Counsel make their submissions. The only issue for determination here is whether or not the Court has jurisdiction over the property in question. By Section 28 of the Magistrate Court Law, 2009, a Magistrate shall only exercise jurisdiction in Civil causes or matters where the annual rental value of the property is not more than Ten Million Naira only (N10,000,000.00) as at the time of filing. Going by the writ which states the quarterly rental value of the property in question to be Three Million, one hundred and twenty five thousand Naira only (N3,125,000.00), it is clear that the annual rental value of the property in question being Twelve Million, Five hundred thousand Naira only (N12,500,000.00) exceeds the jurisdiction of this honourable Court.

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Furthermore, the law is clear that in determining whether or not a Court has jurisdiction, it is the claimant's originating process, that is, the writ of summons or statement of claim that has to be considered. See Okorocho VS United Bank for Africa PLC (2011) 1 NWLR (Pt 1228) 348 at Pg 373. The suit as it is presently constituted is hereby struck out.

FAMOBOWO A.A. (Magistrate)

Sign Sulhan Date 22/8/2024



MAGISTRATE COURT

CASH OFFICE AJAH ETI OSA