

ARBITRATION

ARBITRATION – AWARD ABOVE CLAIM – [JURISDICTION](#) OF COURT IN MATTER SUBJECT TO ARBITRATION – The Arbitrator cannot award over and above what was claimed. The court has no jurisdiction to determine any matter which is not the subject of an arbitration proceeding – SAVOIA LTD V SONUBI 2000 80 LRCN 2706.

ARBITRATION – CHOICE OF PARTIES – A Party to an Arbitration Agreement has the option either to submit to arbitration or to have the dispute decided by the court – N.V. SCHEEP supra P. 3142

ARBITRATION – CUSTOMARY ARBITRATION – INGREDIENTS – EKE V OKWARANYIA 2001 86 LRCN 1403

ARBITRATION – ARBITRAL AWARD – HOW ENFORCED – JURISDICTION OF COURT IN RELATION TO – A valid award operates as a final and conclusive [judgment](#) between the parties binding between them – K.S.U.D.B V FANS CONSTRUCTION Co. LTD (1990) 4 NWLR Pt. 1421 at P. 37; COMMERCE ASSURANCE LTD V ALLI 1992 3 NWLR Pt. 232 710 at 725; OJIBAH V OJIBAH 1991 4 LRCN 1215; 1991 5 NWLR Pt. 191, 296; RAS PAL GAZI CONST. V FEDERAL CAPITAL DEV. 2001 87 LRCN 1864.

ARBITRATION – APPOINTMENT OF AN ARBITRATOR – Only a person who is a party to the submission can be entitled to appoint an arbitrator – KANO STATE OIL & ALLIED PRODUCTS LTD. V KOFA TRADING CO. LTD. (1996) 3 NWLR Pt.436 p.244.

Parties may by agreement appoint arbitrators – CITY ENG. NIG. LTD V NAA (1999) 11 NWLR Pt.626 p.76.

SUBMISSION TO ARBITRATION DEEMED WAIVED – If a party takes out a Writ of Summons in Court and the other party files a defence, both parties are deemed to have waived the arbitration agreement – MBE LEDEGO V ANETO (1996) 2 NWLR Pt.429,p.157; PABOP SUPPLIES LTD V BEREDUGO (1996) 5 NWLR Pt.448, p.304 ; CONFIDENCE INSURANCE LTD. V TRUSTEES OF O.S.C.E. (1999) 2 NWLR Pt.595, p.373;

WHERE AGREEMENT MAKES ARBITRATION MANDATORY- Then the parties cannot *jump the queue*, but must first resort to arbitration – HALLAM V A.G. PLATEAU STATE (1996) 9 NWLR, Pt.471,p.242 ; M.V. LUPEZ V N.O.C. & S.LTD (2003) 15 NWLR Pt.844,p469.

ACTION TO SET ASIDE AWARD MUST BE BROUGHT WITHIN STATUTORY TIME LIMIT – OKPURUWU V OKOPKHAM (1988) 4 NWLR Pt.90 p.544; ALH. ALBISHIB & SONS LTD. V U.K. (1996) 9 NWLR Pt. 470, p.37.

[STAY OF PROCEEDINGS](#) PENDING ARBITRATION- Where the agreement makes arbitration a mandatory pre-condition, the Court can order stay of proceedings pending arbitration – FAHEHINMIN CONSTRUCTION CO. LTD. V O.A.U. (1998) 6 NWLR Pt. 553, p.171.