

CUSTOMARY

CUSTOMARY/NATIVE COURT – RELAXED PROCEDURES – An appeal court should allow some latitude in regard to matters of procedure adopted by such courts so long as they are seen to have done substantial justice – DINSEY V OSSEY 1939 5 WACA 177 at 178 – 179; IKPANG V EDOHO 1978 NSCC Vol II, 423 at 431; DURU V ONWUMELU 2001 92 LRCN 3148.

CUSTOMARY COURTS – PROCEDURE – APPELLATE COURT SHOULD BE LIBERAL TO REVIEW – The court should consider the substance whether substantial justice was done ONWUAMA V EZEOKOLI 2002 94 LRCN 246.

CUSTOMARY COURT – SUO MOTU CALLING A WITNESS – This is allowed in customary courts – ONWUAMA V EZEOKOLI supra.

CUSTOMARY COURT – FOCUS ON SUBSTANCE NOT FORM – EVIDENCE ACT NOT APPLICABLE – Greater latitude must be given to decisions of customary courts. They are not subject to the Evidence Act – ODOFIN V ONI 2001 83 LRCN 384

CUSTOMARY LAW – PROOF – Proof of customary law is a question of fact to be pleaded and proved by evidence – OLOWU V OLOWU 1985 3 NWLR 372; GEMILE V AWANI 2001 88 LRCN 2307.