

## JUDGMENT

JUDGMENT – CONSENT JUDGMENT – NATURE OF – WHEN CAN BE SET ASIDE – AFEGBAI V A.G OF EDO STATE 2001 90 LRCN 2929; MENAKAYA V MENAKAYA 2001 91 LRCN 2958.

JUDGMENT – NO EVIDENCE ON ISSUE – It is not for the court to give judgment on an issue on which there is no evidence adduced whatsoever – MENAKAYA V MENAKAYA 2001 91 LRCN 2958.

JUDGMENT & ORDER – DISTINCTION BETWEEN REVIEW ABLE AND UNREVIEWABLE ORDER BY COURT – MIL ADMIN BENUE STATE V ULEGEDE 2001 91 LRCN 3044.

JUDGMENT – DEFAULT – WHETHER CREDIBLE EVIDENCE NECESSARY – Where the plaintiff claim is for a debt or liquidated demand at the expiration of the defendant's time, Plaintiff may apply for final judgment MAJA V SAMOURIS 2002 95 LRCN 341.

JUDGMENT – FINAL – INTERLOCUTORY – WHEN AWARDED – MAJA V SAMOURIS supra.

JUDGMENT ON MERIT – MEANING – Decision made on the basis of evidence and facts given – AKUNEZIRI V OKENWA 2000 82 LRCN 3367.

JUDGMENT – STYLE TO BE FOLLOWED – CIVIL MATTERS – There is no set style whether to consider the plaintiff's case before the Defendant's. All the court must do is to place their respective evidence on the two sides of an imaginary scale and see the preponderance of evidence – MOGAJI V ODOFIN

1978 II NSCC 275; WOLUCHEM V GUDI 1981 5 S.C 291 at 294; DURU V NWOSU 1989 10 NWLR Pt. 113 24; UCHENDU V OGBONI 1999 68 LRCN 925 1999 10 NWLR Pt. 603, 337 at 363; JEKPE V ALOKWE 2001 86 LRCN 1026.

JUDGMENT ENFORCEMENT – [COMMITTAL PROCEEDINGS](#) – STANDARD OF PROOF – Beyond reasonable doubt – A.G. ANAMBRA STATE OKEKE 2002 99 LRCN 1540.

JUDGMENT – STYLE – There is no fixed style whether to consider the Plaintiff's case before the Defendants. Only you must put the entire evidence in an imaginary scale and weigh the balance – JEKPE V ALOKWE 2001 86 LRCN 1026; MOGAJI V ODOFIN 1978 Vol. II NSCC 275.

JUDGMENT – MISTAKE OR SLIP – *FUNCTUS OFFICIO* – Where the judge discovers the error after he has become *functus officio*, the error can only be corrected on appeal – OYEFOLU V DUROSINMI 2001 89 LRCN 2401.

[JUDGMENT – CONSENT JUDGMENT](#) – POWER OF COURT TO SET ASIDE – Can be set aside for fraud common mistake, misconception or any other good ground – VULCAN V GESELLSCHAFT 2001 87 LRCN 1577.

JUDGMENT – CONSENT – JUDGMENT – LACK OF ACTUAL CONSENT OF A PARTY – This can vitiate the judgment – VULCAN supra.

JUDGMENT – ERROR – INHERENT POWER OF SUPREME COURT TO CORRECT ITS JUDGMENT OR THAT OF COURT OF APPEAL – There is an inherent power to correct same to avert any mischief – BANK OF THE NORTH LTD V YAU 2001 87 LRCN 716.

JUDGMENT & ORDER – INTERLOCUTORY OR FINAL ORDER – HOW DETERMINED – The test is whether the order has finally determined the rights of the parties – OMONUWA V OSHODIN 1985 2 NWLR Pt. 10, 914; UBA PLC V AKINSANYA 1986 7 S.C 233; UDE V AGU 1961 1 SCNLR 98; OJORA V ODUNSI 1964 NMLR 12; IGUNBOR V AFOLABI 2001 87 LRCN 1760.

JUDGMENT – CONSENT JUDGMENT – HOW ARRIVED AT – RAS PAL GAZI CONST. V FEDERAL CAPITAL DEV. 2001 87 LRCN 1864.

JUDGEMENT & ORDER AGAINST PERSON NOT PARTY OR PRIVY TO SUIT – Such order is invalid – KOKORO-OWO V LAGOS STATE GOVT. 2001 87 LRCN 1889.

JUDGMENT ENFORCEMENT – FIAT OF THE HON. ATTORNEY GENERAL NOT NECESSARY where the funds or properly belong to the govt. See BURAIMOH ALLI V COMMERCE ASSURANCE LTD 1982 2 FNLR 79 See also S.287 1999 Constitution BUT SEE ONJEWU V K.S.M.C.I which decided otherwise in 2003 10 NWLR 40 at 54.

JUDGMENT ENFORCEMENT – FIAT OF THE HON ATTORNEY GENERAL IS NECESSARY - THE REQUIREMENT IS CONSTITUTIONAL IT IS PROCEDURAL IN GARNISHEE PROCEEDINGS UNDER S84 SHERIFF AND CIVIL PROCESS ACT CAP 407 LFN See ONYEWU V K.S.M.C.I 2003 10 NWLR 40 at 54.

JUDGMENT BINDING UNTIL SET ASIDE – Every court order or judgment is binding on the parties until set aside by a court of law – BABATUNDE V OLATUNJI (2002) 2 NWLR Pt.646, p.557