

IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE AWKA JUDICIAL DIVISION  
HOLDEN AT AWKA  
ON TUESDAY THE 27<sup>TH</sup> DAY OF MAY 2014  
BEFORE THE HONOURABLE JUSTICE I.B. GAFAI

JUDGE

SUTI NO:FHC/AWK/CS/129/2010

**BETWEEN:**

- |  |   |                |
|--|---|----------------|
| 1 NEW WORLD INTERNATIONAL<br>SCHOOLS LIMITED | } | ... PLAINTIFFS |
| 2 ALPHA JUSTICE IKPEAMA                      |   |                |

**A N D**

MRS KATE NNEKA OKOLI ...DEFENDANT

Parties absent

M. O. Numoupeide (Mrs) for the  
Plaintiff/Applicant.

Ejike Okaforfor for the Party sought  
to be substituted as Defendant.

**RULING ON THE PLAINTIFFS' MOTION  
DATED 5/4/2012 FOR SUBSTITUTION  
OF DECEASED DEFENDANT.**

By their motion on notice dated the 5<sup>th</sup> and filed on the 14<sup>th</sup>  
of November 2012, brought pursuant to the provisions of  
Order 9 Rule 31 (1) of the Rules of this Court, the Plaintiffs

2.

seek for an order by this Court substituting the name of the Defendant on record Mrs Kate Nneka Okoli with a new Defendant Kingsley Okoli. The reasons for this application are contained in the affidavit in support of the motion, more particularly those deposed to in paragraphs 2 to 6 thereof and as amplified by exhibits "A" to "D" attached thereto.

In a stiff opposition to the motion, the Party seeking to be substituted has caused a counter affidavit of 15 paragraphs to which also 7 annexure were attached and labelled exhibits "D1" to "D7". Expectedly, the Plaintiffs have filed a further affidavit of 18 paragraphs by which they deposed to more or further facts to refute those in the counter affidavit.

I have carefully considered the written submissions of their learned Counsel. I have also considered the provisions of Order 9 Rule 31 (1) of the Rules of this Court viz-a-viz the facts for both parties. I am satisfied that the substitution sought by the Plaintiffs is, on the facts, deserving, equitable and in accordance with the provisions of Order 9 Rule 31 (1). Consequently, the order as sought by the Plaintiffs is hereby granted. The name of the Defendant on record Mrs Kate Nneka Okoli now deceased is hereby substituted with the name of KINGSLEY OKOLI as the Defendant on record and all processes in the suit shall from now so reflect.

3.

The processes in the suit shall be served on the new Defendant.

A handwritten signature in dark ink, appearing to be 'I.B. GAFAI', is written over a horizontal line. The signature is somewhat stylized and includes a large loop.

**I.B. GAFAI**

**JUDGE**

27/05/2014