

SHARIA COURT OF APPEL

Ilorin, Kwara State, Nigeria

2011

Annual Report

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Preface

In the Name of Allah, The Most Gracious, The Most Merciful.

We shall ever remain grateful to Allah the Almighty for His generous grace on the achievements of the Kwara State Sharia Court of Appeal, Ilorin for enabling us to actualise our aims and objectives by bringing our dreams into reality to publish the judgments and the rulings of our court in the current year.

The cases brought forward from the preceding year, 2010 were 18 while 46 cases were filed in the reporting year, 2011 totalling 64 cases in all. The disposed cases were 41; 27 Appeals and 14 Motions. 23 cases were still pending due to some unavoidable circumstances emanating from court adjournments, continuation of hearing, non-availability of trial court record of proceedings, etc.

We shall continue to strive and improve on the quality of the reports, the significant aspect of which is that all the decided Motions/Appeals were highlighted, bringing out succinctly the index and principles of Islamic Law featured in each Motion/Appeal.

Adjudication is an important service to individuals as well as the society in order to foster peace and co-existence based on respect for the right of others. It is therefore our considered opinion that we are dutifully bound to afford our people the opportunity of knowing what we are doing. Thus every party and concerned citizens will have ideas of the position and provisions of the Islamic Law on various complaints.

This idea of publishing and reporting decided cases is not alien to Islam as it has been the practice during the various Islamic eras some of which are sources of Islamic Law for researchers and scholars today; such as *al-Qada' fi 'Ahdir-Rasul* and *al-Qada' fi 'Ahd Umar* (Adjudication at the times of the Holy Prophet and the Second Caliph) just to mention a few.

We equally respond to the extra-judicial activities such as the demands of the people of the state from us to attend to the distribution of the estates of the deceased Muslims. This we see as a reflection of the confidence reposed in us by the people.

We appreciate the support and comments of the sister courts, members of the Bar, Islamic scholars, Muslim Institutions and the general public. And for the journey so far, we attribute our success to Almighty Allah and in the same vein, we fervently pray for more divine guidance.



Hon. Justice. I. A. Haroon, FHNR
Grand Kadi

**SPEECH OF THE HON. GRAND KADI OF KWARA STATE; HON. JUSTICE
IDRIS ABDULLAHI HAROON, FHNr, AT THE INAUGURAL SITTING OF HIS
LORDSHIP AFTER THE SWEARING-IN ON MONDAY, 26TH JULY 2010
(AL-ITHNAIN, 15TH SHA'BAN 1431 A.H.)**

All praise is due to Allah (SWT) through Whose favour noble human endeavours are accomplished. May the peace and blessings of Allah be upon the holy Prophet Muhammad (SAW), his household and those who follow his path with righteousness till the Day of Reckoning.

Once I again I am grateful to His Excellency, the Executive Governor of Kwara State for the appointment of substantive Grand Kadi and two additional Hon. Kadis. This of course is a history as there was never a time we were so privileged.

It has pleased the Almighty Allah to put my humble self in this esteem position of trust. This does not mean that I am the best among my colleagues, rather one among equal. Thus I have the strong believe that as you have supported my predecessors to succeed, the same loyalty will be enjoyed by me.

It is pertinent to say at this junction that administration of justice is of great significance in the Sharia. It is the pedestal on which all other Islamic principles are placed. By upholding justice, lives and properties of the people are secured and thus bring about equity, peace and tranquility in the society. The need for society in the administration of justice cannot be over-emphasized because man is fallible regardless of the degree of his faith and even caution. The most astonishing fact about the administration of justice in Islam is that a judge who strives with all sincerity to uphold justice but due to human fallibility makes mistake in the discharge of justice is also

rewarded as one who does not commit any error. This is reported in the Hadith of the Prophet thus:

A judge is rewarded twice having strived and achieved in upholding justice but he is rewarded once when he strives but errs.

"إذا حكم الحاكم فاجتهد ثم أصاب فله أجران، وإذا حكم فاجتهد ثم أخطأ فله أجر".

See: *Kitab Adab Al-Kadi*, by Abi Mohammed Al- Husaini Al-Bagawi P:8

راجع كتاب أدب القاضي من التهذيب لأبي محمد الحسين بن مسعود البغوي ص 8 , دار المنار.

Absolute justice required of a judge in Shari'ah is an injunction of Allah (SWT). The Qur'an, chapter 5:8 says thus:

...and let not the enmity and hatred of others make you avoid justice. Be just, that is nearer to piety...

((وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا
اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ)) .
سورة المائدة: ٨

Justice to all is therefore a trust shouldered by judges and they are accountable to Allah (SWT).

Let me use this medium once again to express our profound gratitude to all our erudite judicial officers, members of the bar and the inner bar, members of the academia, all members of staff, friends and family members and all our well wishers for sharing this joy with us.

Thank you all and God bless you.

SGD

Hon. Justice Idris Abdullahi Haroon, FHNR,
The Hon. Grand Kadi,
Kwara State Sharia Court of Appeal, Ilorin.

ADDRESS OF HIS LORDSHIP, HON. GRAND KADI, JUSTICE
IDRIS ABDULLAHI HAROON, FHNr, ON THE OCCASION OF THE
COMMISSIONING OF THE NEWLY RENOVATED SHARIA COURT OF
APPEAL, ILORIN COMPLEX ON THURSDAY, 15TH SEPTEMBER 2011 /
17TH SHAWWAL 1432 A.H.

الحمد لله الذي بنعمته تتم الصالحات، والصلاة والسلام على أشرف المرسلين
سَيِّدِنَا مُحَمَّدِ الْمَبْعُوثِ رَحْمَةً لِلْعَالَمِينَ.

All praise is to Allah through whose favour noble human endeavours are accomplished. May the peace and blessings of Allah be upon the holy Prophet Muhammad (S.A.W).

Today's event which marks your Excellency's 100th Day in Office and which we are all here celebrating its achievements, is not a mere coincidence, rather, it is the celebration of the fulfillment, of the prayers of the people of this state who relentlessly asked God, to give them a successor, whose governance and performance, will complement that of your predecessor. What is happening here today, considering the humble beginning of this institution, is a milestone in the history of our court.

This building was constructed by the Military Governor Ibrahim Alkali and was commissioned by the Military President of the Federal Republic of Nigeria, General Ibrahim Badamasi Babangida, *GCFR*, on the 21st of November 1990. For a period of almost 21 years, there was no renovation, or repairs, carried out on the complex by the succeeding administrations in the state, until towards the end of the tenure of Dr. Abubakar Bukola Saraki, *CON*, who gave approval for the renovation of the complex, *jazahullahu khayran*.

Sometime in July this year, His Excellency, the Executive Governor of Kwara State Alhaji AbdulFatah Ahmed, paid a short visit

to this court to assess the project. During this historical visit, His Excellency, based on our request promised to provide additional facelift to the complex to include provision of furniture to the offices, interlocking of the premises and a befitting entrance gate. He was convinced that this court should not be discriminated against. His words: “*whatever that is done to any segment of the state judiciary will be across the board*”. Today all the promises made by Your Excellency, have been fulfilled. *Jazakallahu khayran!* We are indeed very grateful.

As a matter of fact, Your Excellency is the first serving executive governor to pay an official visit to the Sharia Court of Appeal since its inception. This is a demonstration of the belief of your Excellency, not only in consolidating the good works of your predecessors, particularly the former Governor Dr. Abubakar Bukola Saraki, (*CON*), *the Turaki of Ilorin*, a visionary leader, but also in promoting, and initiating, your own good ideas, that will move the state forward.

This particular attention, to the judicial arm of government, will go a long way, in demonstrating, to the public, the esteem, with which, your Excellency holds the judiciary. Equally, this project will further provide an enabling environment for me, my brother Kadis and the entire workers to face the task of dispensation of justice in a conducive working environment. Admittedly, your Excellency, “to whom much is given, much is expected”. We pledge, to continue, to do our best and perform our functions in line with the ethics of the judiciary, and the constitution of the Federal Republic of Nigeria.

I felicitate with your Excellency, on the occasion of your 100 days in office, and as well congratulate you for the sustenance of peace, tranquility, and harmonious co-existence in the state. I wish

your Excellency long life, good health and Allah's divine guidance and protection, throughout your tenure and beyond.

Thank you all for coming. May Allah the almighty bless you all, Ameen.

SGD

Hon. Justice Idris Abdullahi Haroon, *FHNR*,
The Hon. Grand Kadi,
Kwara State Sharia Court of Appeal, Ilorin.

**MOTIONS/APPEALS BROUGHT FORWARD
FROM THE YEAR 2010**

S/No.	LIST OF MOTIONS/APPEAL	DATE FILED
1.	KWS/SCA/CV/AP/IL/10/2007	19-07-2007
2.	KWS/SCA/CV/AP/IL/15/2007	12-07-2007
3.	KWS/SCA/CV/AP/IL/10/2009	05-11-2009
4.	KWS/SCA/CV/AP/IL/17/2009	06-11-2009
5.	KWS/SCA/CV/AP/PG/03/2009	05-11-2009
6.	KWS/SCA/CV/AP/PG/04/2009	05-11-2009
7.	KWS/SCA/CV/AP/IL/01/2009	10-02-2009
8.	KWS/SCA/CV/AP/IL/13/2009	21-07-2009
9.	KWS/SCA/CV/AP/IL/06/2010	11-03-2010
10.	KWS/SCA/CV/AP/IL/08/2010	07-04-2010
11.	KWS/SCA/CV/AP/IL/19/2010	21-10-2010
12.	KWS/SCA/CV/AP/IL/20/2010	11-11-2010
13.	KWS/SCA/CV/AP/IL/22/2010	30-11-2010
14.	KWS/SCA/CV/AP/IL/23/2010	30-11-2010
15.	KWS/SCA/CV/AP/PG/02/2010	14-10-2010
16.	KWS/SCA/CV/AP/PG/03/2010	14-10-2010
17.	KWS/SCA/CV/AP/LF/05/2010	23-04-2010
18.	KWS/SCA/CV/AP/SH/01/2010	10-12-2010

**TABLE OF MOTIONS/APPEALS FILED
IN YEAR, 2011**

S/N	LIST OF CASES	DATE FILED	TRIAL COURT
1.	KWS/SCA/CV/M/IL/01/2011	19/01/2011	UPPER AREA COURT III, PAKE, ILORIN
2.	KWS/SCA/CV/M/IL/02/2011	04/02/2011	AREA COURT I NO 2, CENTRE IGBORO ILORIN
3.	KWS/SCA/CV/AP/IL/03/2011	22/02/2011	AREA COURT I, AFON
4.	KWS/SCA/CV/AP/IL/04/2011	25/02/2011	AREA COURT 1, NO 2 ILORIN
5.	KWS/SCA/CV/M/IL/05/2011	18/03/2011	S.C.A ILORIN
6.	KWS/SCA/CV/AP/IL/06/2011	21/04/2011	UPPER AREA COURT OMU-ARAN
7.	KWS/SCA/CV/M/IL/07/2011	21/04/2011	UPPER AREA COURT OMU-ARAN
8.	KWS/SCA/CV/M/IL/08/2011	30/06/2011	S.C.A ILORIN
9.	KWS/SCA/CV/AP/IL/09/2011	04/08/2011	AREA COURT NO 3 ADEWOLE ILORIN
10.	KWS/SCA/CV/AP/IL/10/2011	05/08/2011	AREA COURT GRADE I NO 2 CENTRE IGBORO, ILORIN
11.	KWS/SCA/CV/AP/IL/11/2011	22/08/2011	AREA COURT I NO 2 CENTRE IGBORO, ILORIN
12.	KWS/SCA/CV/M/IL/12/2011	07/09/2011	AREA COURT I NO I CENTRE IGBORO ILORIN
13.	KWS/SCA/CV/M/IL/13/2011	21/09/2011	AREA COURT 1 NO3

14.	KWS/SCA/CV/AP/IL/14/2011	12/10/2011	AREA COURT 1 NO1 CENTRE IGBORO, ILORIN
15.	KWS/SCA/CV/AP/IL/15/2011	21/10/2011	UPPER AREA COURT GRADE II OLOJE, ILORIN
16.	KWS/SCA/CV/AP/IL/16/2011	18/11/2011	AREA COURT I NO I CENTRE IGBORO, ILORIN
17.	KWS/SCA/CV/AP/LF/01/2011	14/01/2011	AREA COURT 1 LAFIAGI
18.	KWS/SCA/CV/M/LF/02/2011	23/02/2011	UPPER AREA COURT I ILOPIN
19.	KWS/SCA/CV/AP/LF/03/2011	23/02/2011	AREA COURT I SHONGA
20.	KWS/SCA/CV/M/LF/04/2011	28/03/2011	UPPER AREA COURT I ILOPIN
21.	KWS/SCA/CV/AP/LF/05/2011	05/04/2011	AREA COURT TSARAGI
22.	KWS/SCA/CV/AP/LF/06/2011	06/04/2011	AREA COURT LAFIAGI
23.	KWS/SCA/CV/AP/LF/07/2011	10/05/2011	AREA COURT LAFIAGI
24.	KWS/SCA/CV/M/LF/08/2011	12/05/2011	AREA COURT LAFIAGI
25.	KWS/SCA/CV/AP/LF/09/2011	04/07/2011	AREA COURT 1 LAFIAGI
26.	KWS/SCA/CV/AP/LF/10/2011	05/07/2011	AREA COURT I SHARE
27.	KWS/SCA/CV/AP/LF/11/2011	14/07/2011	AREA COURT I BACHITA
28.	KWS/SCA/CV/AP/LF/06A/2011	06/07/2011	AREA COURT LAFIAGI
29.	KWS/SCA/CV/M/LF/12/2011	28/10/2011	AREA COURT I TSARAGI
30.	KWS/SCA/CV/AP/LF/13/2011	08/12/2011	AREA COURT TSARAGI

31.	KWS/SCA/CV/AP/LF/14/2011	13/12/2011	AREA COURT I BACHITA
32.	KWS/SCA/CV/AP/LF/15/2011	16/12/2011	AREA COURT TSARAGI
33.	KWS/SCA/CV/AP/LF/16/2011	07/10/2011	AREA COURT I LAFIAGI
34.	KWS/SCA/CV/AP/SH/01/2011	10/03/2011	AREA COURT 1 SHARE
35.	KWS/SCA/CV/M/SH/02/2011	28/10/2011	AREA COURT 1 SHARE
36.	KWS/SCA/CV/AP/SH/03/2011	28/11/2011	AREA COURT I SHARE
37.	KWS/SCA/CV/AP/SH/04/2011	16/12/2011	AREA COURT I SHARE
38.	KWS/SCA/CV/M/SH/05/2011	20/12/2011	AREA COURT I SHARE
39.	KWS/SCA/CV/AP/OF/01/2011	25/05/2011	AREA COURT GRADE 1 NO 2 IBOLO OFFA
40.	KWS/SCA/CV/M/OF/02/2011	18/08/2011	AREA COURT GRADE 1 NO 2 IBOLO OFFA
41.	KWS/SCA/CV/M/OF/03/2011	17/10/2011	AREA COURT GRADE 1 NO 2 IBOLO OFFA
42.	KWS/SCA/CV/AP/PG/01/2011	24/01/2011	AREA COURT GRADE I PATIGI
43.	KWS/SCA/CV/AP/PG/02/2011	16/02/2011	AREA COURT PATIGI
44.	KWS/SCA/CV/AP/PG/03/2011	16/05/2011	AREA COURT PATIGI
45.	KWS/SCA/CV/AP/PG/04/2011	10/08/2011	AREA COURT LAFIAGI
46.	KWS/SCA/CV/AP/PG/05/2011	19/12/2011	AREA COURT GRADE I PATIGI

TABLE OF MOTIONS/APPEALS DECIDED IN YEAR 2011

S/N	CASE NUMBERS	DATE FILED	DATE DECIDED	PARTIES	PANEL	JUDGEMENTS/ RULINGS DELIVERED BY
1.	KWS/SCA/CV/AP/PG/02 and 03/2010	14/10/2010	12/01/2011	NDANA MOHAMMED VS. MARIAM NDANA	- I. A. HAROON - A. A. IDRIS. - A. A. OWOLABI	A. A. OWOLABI
2.	KWS/SCA/CV/AP/IL/08/2010	07/04/2010	13/01/2011	ALHAJ ISSA ALABI USMAN VS. 1. MALL. MOHAMMED ALABI 2. ALHAJI HUSSAIN SAID 3. ALHAJI SALIHU KAREEM	- I. A. HAROON - S. M. ABDULBAKI - A. A. OWOLABI	S. M. ABDULBAKI
3.	KWS/SCA/CV/AP/IL/06/2010	11/03/2010	27/01/2011	MR. ABDULHAMMED GBIGBAADUA VS. MRS. FALILAT IMAM IBRAHIM	- I. A. HAROON - A. A. IDRIS. - A. A. OWOLABI	A. A. IDRIS
4.	KWS/SCA/CV/M/IL/02/2011	04/02/2011	07/02/2011	BASHIRAT GIWA VS. DR. JIMOH RABIU OLUSEGUN	- S. O. MUHAMMAD - A. A. IDRIS - S. M. ABDULBAKI	S. O. MUHAMMAD
5.	KWS/SCA/CV/AP/IL/13&17/2009	21/07/09 06/11/09	10/02/2011	ALHAJA SALIMATA YUSUF and 6 OTHERS VS. 1. ALHAJI ABDULKADIR 2. ABUBAKAR ABDULKADIR	- I. A. HAROON - A. A. IDRIS - A. A. OWOLABI	I. A. HAROON

6.	KWS/SCA/CV/AP/IL/22/2010	30/11/2010	24/02/2011	MUNIRU KAYODE ELELU VS. NIMOTALLAHI MUNIRU	- I. A. HAROON - M. O. ABDULKADIR - A. A. OWOLABI	M. O. ABDULKADIR
7.	KWS/SCA/CV/AP/SH/01/2010	10/12/2010	08/03/2011	SIDIKAT ABDULMUMEEN VS. ABDULMUMEEN IDRIS	- S. O. MUHAMMAD - S. M. ABDULBAKI - M. O. ABDULKADIR	S. M. ABDULBAKI
8.	KWS/SCA/CV/AP/LF/04/2010	22/03/2010	08/03/2011	EGIBORIBO VS. MOHAMMED NDAMAKA	- S. O. MUHAMMAD - S. M. ABDULBAKI - M. O. ABDULKADIR	S. M. ABDULBAKI
9.	KWS/SCA/CV/AP/IL/20/2010	11/11/2010	09/03/2011	IBRAHIM RAJI VS. RAFATU TEMIMU	- I. A. HAROON - A. A. IDRIS - M. O. ABDULKADIR	I. A. HAROON
10.	KWS/SCA/CV/AP/PG/01/2011	24/01/2011	15/03/2011	MOHAMMED BABA VS. FATIMA MOHAMMED	- A. A. IDRIS - M. O. ABDULKADIR - A. A. OWOLABI	A. A. IDRIS

11.	KWS/SCA/CV/M/IL/01/2011	19/10/2011	16/03/2011	IBRAHIM RAJI VS. RAFATU TEMIM	- I. A. HAROON - A. A. IDRIS - M. O. ABDULKADIR	M. O. ABDULKADIR
12.	KWS/SCA/CV/AP/IL/19/2010	21/01/2010	07/04/2011	DR. JIMOH OLUSEGUN RABIU VS. BASHIRAT GIWA	- S. O. MUHAMMAD - A. A. IDRIS - S. M. ABDULBAKI	S. O. MUHAMMAD
13.	KWS/SCA/CV/AP/IL/16/2010	22/09/2010	07/04/2011	DR. JIMOH OLUSEGUN RABIU VS. BASHIRAT GIWA	- S. O. MUHAMMAD - A. A. IDRIS - S. M. ABDULBAKI	A. A. IDRIS
14.	KWS/SCA/CV/AP/PG/02/2011	16/02/2011	03/05/2011	MOHAMMED NDALIMAN BABOGI VS. FATI KAKA'ARA MOHAMMED NDALIMAN	- A. A. IDRIS - M. O. ABDULKADIR - A. A. OWOLABI	A. A. IDRIS
15.	KWS/SCA/CV/M/LF/02/2011	23/02/2011	04/05/2011	AISHETU ABDULLAHI VS. ABDULLAHI JIBRIL DAMA	- S. O. MUHAMMAD - S. M. ABDUKBAKI - M.O. ABDULKADIR	S. O. MUHAMMAD

16.	KWS/SCA/CV/M/IL/05/2011	18/03/2011	06/05/2011	MR. ABDULHAMMED GBIGBADUA VS. MRS. FALILAT IMAM IBRAHIM	- I. A. HAROON - A. A. IDRIS - A. A. OWOLABI	I. A. HAROON
17.	KWS/SCA/CV/AP/LF/01/2011	14/01/2011	18/05/2011	IDOWU DZARA VS. NNAKULA IDOWU	- S. O. MUHAMMED - S. M. ABDULBAKI - A. A. OWOLABI	S. O. MUHAMMAD
18.	KWS/SCA/CV/AP/SH/01/2011	10/03/2011	13/05/2011	FUNKE ABDULFATAI VS. ABDULFATAI LAWAL	- S. O. MUHAMMAD - S. M. ABDULBAKI - M. O. ABDULKADIR	S. O. MUHAMMAD
19.	KWS/SCA/CV/M/LF/04/2011	28/03/2011	31/05/2011	AISHETU ABDULLAHI VS. ABDULLAHI JIBRIL DAMA	- S. O. MUHAMMAD - S. M. ABDULBAKI - M. O. ABDULKADIR	M. O. ABDULKADIR
20.	KWS/SCA/CV/AP/IL/04/2011	25/02/2011	06/06/2011	SIKIRAT ABDULKADIR VS. ALHAJI KEHINDE ABDULKADIR	- A. A. IDRIS - M. O. ABDULKADIR - A. A. OWOLABI	A. A. OWOLABI

21.	KWS/SCA/CV/AP/LF/05/2010	23/04/2010	21/06/2011	USMAN NDAGI VS. FATIMA NNAMMA NDAGI	- I. A. HAROON - A. A. IDRIS - M. O. ABDULKADIR	I. A. HAROON
22.	KWS/SCA/CV/M/LF/18/2011	12/05/2011	21/06/2011	HALIMATU WOYE SHA'ABA VS. ALHASSAN SHA'ABA	- I. A. HAROON - A. A. IDRIS - M. O. ABDULKADIR	I. A. HAROON
23.	KWS/SCA/CV/M/IL/07/2011	21/04/2011	05/07/2011	ALHAJI ISSA ALABI VS. ALHAJI SALIU KAREEM	- I. A. HAROON - A. A. IDRIS - A. A. OWOLABI	I. A. HAROON
24.	KWS/SCA/CV/AP/IL/06/2011	21/04/2011	05/07/2011	ALHAJI ISSA ALABI VS. ALHAJI SALIU KAREEM	- I. A. HAROON - A. A. IDRIS - A. A. OWOLABI	I. A. HAROON
25.	KWS/SCA/CV/M/IL/08/2011	30/06/2011	05/07/2011	DR. RAUFU ADEWALE SANNI AND 1 OTHER VS. ASHIRU SANNI BALOGUN	- A. A. IDRIS - M. O. ABDULKADIR - A. A. OWOLABI	A. A. IDRIS
26.	KWS/SCA/CV/AP/LF/07/2011	10/05/2011	06/07/2011	YAMANKO EMITSA DZA VS. IBRAHIM KETSWO	- I. A. HAROON - A. A. IDRIS - M. O. ABDULKADIR	I. A. HAROON
27.	KWS/SCA/CV/AP/LF/05/2011	05/04/2011	20/07/2011	NDAGI MAN VS. AZARA NDAGIMAN	- S. O. MUHAMMAD - A. A. IDRIS - A. A. OWOLABI	A. A. IDRIS

28.	KWS/SCA/CV/AP/IL/03/2011	22/02/2011	27/07/2011	MEDINAT HAIRATU ALAMOYO VS. JAMIU ADAM	- S. O. MUHAMMAD - M. O. ABDULKADIR. - A. A. OWOLABI	A. A. OWOLABI
29.	KWS/SCA/CV/AP/LF/10/2011	05/07/2011	22/09/2011	YANDANA WELDER VS. AMINAT YANDANA	- A. A. IDRIS - M. O. ABDULKADIR - A. A. OWOLABI	A. A. IDRIS
30.	KWS/SCA/CV/AP/LF/11/2011	14/07/2011	22/09/2011	NDANA KUSOMUNU VS. AMINAT NDANA	- A. A. IDRIS - M. O. ABDULKADIR - A. A. OWOLABI	A. A. IDRIS
31.	KWS/SCA/CV/AP/IL/11/2011	22/08/2011	29/09/2011	SULEIMAN OBA DIKO VS. BALIKISU ABIMBOLA DIKO	- I. A. HAROON - A. A. IDRIS - A. A. OWOLABI	I. A. HAROON
32.	KWS/SCA/CV/M/IL/12/2011	07/09/2011	30/09/2011	MRS. SHERIFAT ABDULRASAQ VS. ALFA ABDULRASAQ IBRAHIM	- I. A. HAROON - A. A. IDRIS - A. A. OWOLABI	I. A. HAROON
33.	KWS/SCA/CV/M/LF/06 ^A /2011	06/07/2011	04/10/2011	1. YAMUSA 2. NDAGI BA'A VS. FATIMA SA'AGI YAMUSA	- I. A. HAROON - A. A. IDRIS - M. O. ABDULKADIR	A. A. IDRIS

34.	KWS/SCA/CV/AP/LF/09/2011	04/07/2011	04/10/2011	HALIMATU WOYE SHA'ABA VS. ALHASSAN SHA'ABA	- I. A. HAROON - A. A. IDRIS - M. O. ABDULKADIR	I. A. HAROON
35.	KWS/SCA/CV/AP/PG/04/2011	10/08/2011	06/12/2011	LADAN CHECHE VS. MARYAM LADAN	- A. A. IDRIS - M. O. ABDULKADIR - A. A. OWOLABI	A. A. DRIS
36.	KWS/SCA/CV/AP/PG/03/2011	16/05/2011	06/12/2011	IDRIS IBRAHIM VS. NDAMAKUN MAMA JIYA	- S. O. MUHAMMAD - M. O. ABDULKADIR - A. A. OWOLABI	A. A. OWOLABI
37.	KWS/SCA/CV/M/IL/13/2011	21/09/2011	07/12/2011	ALHAJA HASSANAT AJOKE VS. ALHAJI ABDULAZEEZ ISIAQ	- I. A. HAROON - A. A. IDRIS - S. M. ABDULBAKI	I. A. HAROON
38.	KWS/SCA/CV/M/SH/02/2011	28/10/2011	08/12/2011	RUKAYAT MURITALA VS. MURITALA YAKUBU	- I. A. HAROON - A. A. IDRIS - S. M. ABDULBAKI	I. A. HAROON
39.	KWS/SCA/CV/M/LF/12/2011	28/10/2011	08/12/2011	NDACHE ALHAJI NDAGI YANMA VS. FATI NDACHE	- I. A. HAROON - A. A. IDRIS - S. M. ABDULBAKI	I. A. HAROON
40.	KWS/SCA/CV/AP/OF/01/2011	25/05/2011	20/12/2011	ZEINAB IYA AZIZA VS. ABDULSAHEED LATEEF	- I. A. HAROON - S. O. MUHAMMAD - M. O. ABDULKADIR	I. A. HAROON

41.	KWS/SCA/CV/M/OF/03/2011	17/01/2011	20/12/2011	ADEBAYO NAJEEM VS. ALIMOTU ADEBAYO	- I. A. HAROON - S. O. MUHAMMAD - M. O. ABDULKADIR	I. A. HAROON
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THE TRIAL COURT AND JUDGES 2011

S/N	CASE NUMBER	PARTIES	TRIAL JUDGES	APPEAL SUCCEEDS/ FAIL
1.	KWS/SCA/CV/AP/PG/02 & 03/2010	NDANA MOHAMMED VS. MARIAM NDANA	ALHAJI MOHAMMED DAGANA UPPER AREA COURT PATIGI	APPEAL FAILS IN PART AND SUCCEEDS IN PART
2.	KWS/SCA/CV/AP/IL/08/2010	ALHAJI ISSA ALABI USMAN VS. 1. MALL. MOHAMMED ALABI 2. ALHAJI HUSSAIN SAID 3. ALHAJI SALIHU KAREEM	UPPER AREA COURT ILORIN	APPEAL FAILS AND DISMISSED
3.	KWS/SCA/CV/AP/IL/06/2010	MR. ABDUL HAMMED GBIGBAADUA VS. MRS. FALILAT IMAM IBRAHIM	Y. A. KAREEM A/C 1 NO 1 CENTRE IGBORO ILORIN	APPEAL FAILS AND DISMISSED
4.	KWS/SCA/CV/M/IL/02/2011	BASHIRAT GIWA VS. DR. JIMOH RABIU OLUSEGUN	MOHAMMED NDAGI AUDU A/C NO 1 CENTRE IGBORO ILORIN	APPLICATION GRANTED

5.	KWS/SCA/CV/AP/IL/13&17/2009	ALHAJA SALIMATA YUSUF AND 6 OTHERS VS. 1. ALHAJI ABDULKADIR 2. ABUBAKAR ABDULKADIR	ALHAJI I. A. YAHAYA UPPER AREA COURT OLOJE	APPEAL SUCCEEDS IN PART AND FAILS IN PART
6.	KWS/SCA/CV/AP/IL/22/2010	MUNIRU KAYODE ELELU VS. NIMOTALLAHI MUNIRU	ABDULKADIR IBRAHIM UMAR A/C I NO 3 ILORIN	APPEAL SUCCEEDS RETRIAL ORDER BY SAME TRIAL COURT
7.	KWS/SCA/CV/AP/SH/01/2010	SIDIKAT ABDUL MUMEEN VS. ABDUL MUMEEN IDRIS	M. B. YUSUF	APPEAL SUCCEEDS
8.	KWS/SCA/CV/AP/LF/04/2010	EGIBORIOBO VS. MUHAMMED NDAMAKA	ALHAJI USMAN ABDULLAHI A/C CI SHONGA	APPEAL SUCCEEDS
9.	KWS/SCA/CV/AP/IL/20/2010	IBRAHIM RAJI VS. RATATU TEMIMU	K. ABDULLAHI UPPER AREA COURT 3 PAKE ILORIN	STRUCK OUT

10.	KWS/SCA/CV/AP/PG/01/2011	MUHAMMED BABA VS. FATIMO MUHAMMED	M. M. JIYAH A/C PATIGI	STRUCK OUT
11.	KWS/SCA/CV/M/IL/01/2011	IBRAHIM RAJI VS. RAFATU TEMIM	K. ABDULLAHI UPPEAR AREA COURT 3 PAKE ILORIN	STRUCK OUT
12.	KWS/SCA/CV/AP/IL/19/2010	DR. JIMOH OLUSEGUN RABIU VS. BASHIRAT GIWA	MOHAMMED NDAGI AUDU A/C I NO 1 CENTRE IGBORO ILORIN	APPEAL SUCCEEDS
13.	KWS/SCA/CV/AP/IL/16/2010	DR. JIMOH OLUSEGUN RABIU VS. BASHIRAT GIWA	MOHAMMED NDAGI AUDU A/C I NO 1 CENTRE IGBORO ILORIN	APPEAL SUCEEDS RETRIAL ORDER
14.	KWS/SCA/CV/AP/PG/02/2011	MUHAMMED NDALIMAN BABOGI VS. FATI KAKA'ARA MOHAMMED NDALIMAN	M. M. JIYAH A/C PATIGI	APPEAL FAILS

15.	KWS/SCA/CV/M/LF/02/2011	AISHETU ABDULLAHI VS. ABDULLAHI JIBRIL DAMA	A/C I SHONGA	APPLICATION STRUCK OUT
16.	KWS/SCA/CV/M/IL/05/2011	MR. ABDUL HAMMED GBIGBAADU VS. MRS. FALILAT IMAM IBRAHIM	Y. A. KAREEM A/C I NO1 CENTRE IGBORO ILORIN	APPLICATION FAILS-
17.	KWS/SCA/CV/AP/LF/01/2011	IDOW DZARA VS. NNAKULA IDOWU	A/C 1 LAFIAGI	APPEAL SUCCEEDS RETRAL ORDERED
18.	KWS/SCA/CV/AP/SH/01/2011	FUNKE ABDULFATAI VS. ABDULFATAI LAWAL	M. A. NDAG A/C GRADE 1 SHARE	APPEAL SUCCEEDS
19.	KWS/SCA/CV/M/LF/04/2011	AISHETU ABDULLAHI VS. ABDULLAH JIBRIL DAMA	A/C SHONGA	APPLICATION SUCCEEDS ACCELERATED HEARING IS ORDERED

20.	KWS/SCA/CV/AP/IL/04/2011	SIKIRAT ABDULKADIR VS. ALHAJI KEHINDE ABDUL-KADIR	YUSUF OLASUNKANMI A/C GRADE 1 NO 2 CENTRE IGBORO ILORIN	APPEAL FAILS
21.	KWS/SCA/CV/AP/LF/05/2010	USMAN NDAGI VS. FATIMA NNAMA NDAGI	A/C LADE	APPEAL STRUCK OUT
22.	KWS/SCA/CV/M/LF/08/2011	HALIMAT WOYE SHAABA VS. ALHASSAN SHAABA	ALHAJI AHMED CHEKO A/C GRADE 1 LAFIAGI	APPLICATION GRANTED
23.	KWS/SCA/CV/M/IL/07/2011	ALHAJI ISSA ALABI VS. ALHAJI SALIU KAREEM	D. Y. BALOGUN UPPER AREA COURT OMU ARAN	MOTION STRUCK OUT
24.	KWS/SCA/CV/AP/IL/06/2011	ALHAJI ISSA ALABI VS. ALHAJI SALIU KAREEM	D. Y. BALOGUN UPPER AREA COURT OMU ARAN	APPEAL STRUCK OUT

25.	KWS/SCA/CV/M/IL/08/2011	DR. RAUFU ADEWALE SANNI & 1 OTHER VS. ASHIRU SANNI BALOGUN	UPPER AREA COURT NO 1 ILORIN	MOTION STRUCKOUT
26.	KWS/SCA/CV/AP/LF/07/2011	YAMANKO EMITASZA VS. IBRAHIM KETSWO	M. A. BAKARE A/C GRADE 1 LAFIAGI	APPEAL STRUCK OUT
27.	KWS/SCA/CV/AP/LF/05/2011	NDAGI MAN VS. AZARA NDAGIMAN	A/C TSARAGI	APPEAL SUCCEEDS ACCELERATED HEARING IS ORDERED ON RETIRIAL
28.	KWS/SCA/CV/AP/IL/03/2011	MEDINAT AND HAIRATU ALAMOYO VS. JAMIU ADAM	LAWAL MOSHOOD A/C 1 KWARA STATE	APPEAL SUCCEEDS RETRIAL ORDER
29.	KWS/SCA/CV/AP/LF/10/2011	YANDANA WELDER VS. AMINAT YANDANA	A/G 1 SHARE	APPEAL STRUCK OUT
30.	KWS/SCA/CV/AP/LF/11/2011	NDANA KUSOMUNU VS. AMINAT NDANA	A/C BACITA	APPEAL STRUCK OUT

31.	KWS/SCA/CV/AP/IL/11/2011	SULEIMAN OBA DIKO VS. BALIKISU ABIMBOLA DIKO	YUSUF OLASUNKANMI AREA COURT NO 2 CENTRE IGBORO	APPEAL STRUCK OUT
32.	KWS/SCA/CV/M/IL/12/2011	MRS. SHERIFAT ABDULRSAQ VS. ALFA ABDULRSAQ IBRAHIM	UPPEAR AREA COURT NO 1 CENTRE IGBORO	APPLICATION GRANTED
33.	KWS/SCA/CV/M/LF/06 ^A /2011	1. YAMUSA 2. NDAGI BA'A VS. FATIMA SA'AGI YAMUSA	M. A. BAKARE A/C GRADE I LAFIAGI	APPLICATION GRANTED
34.	KWS/SCA/CV/AP/LF/09/2011	HALIMATU WOYE SHA'ABA VS. ALHASSAN SHA'ABA	M. A. BAKARE A/C GRADE I LAFIAGI	APPEAL FAILS
35.	KWS/SCA/CV/AP/PG/04/2011	LANDAN CHECHE VS. MARYAM LADAN	M. M. . JIYAH A/C PATIGI	AAPPEAL STRUCK OUT
36.	KWS/SCA/CV/AP/PG/03/2011	IDRIS IBRAHIM VS. NDAMAKUN MAMAJIYA	M. M. JIYAH A/C PATIGI	APPEAL FAILS

37.	KWS/SCA/CV/M/IL/13/2011	ALHAJA HASSANAT AJOKE VS. ALHAJI ABDUL AZZEZ ISIAQ	AREA COURT 1 NO 3 ADEWOLE ILORIN	APPEAL STRUCK OUT
38.	KWS/SCA/CV/M/SH/02/2011	RUKAYAT MURITALA VS. MURITALA YAKUBU	M. A. NDAGI AREA COURT 1 SHARE	APPLICATION GRANTED
39.	KWS/SCA/CV/M/LF/12/2011	NDACHE ALHAJI NDAGI YANMA VS. FATI NDACHE	AREA COURT I TSARAGI	APPLICATION GRANTED
40.	KWS/SCA/CV/AP/OF/01/2011	ZEINAB AZIZAT VS. ABDUL SAHEED LATEEF	TUNJI OYETUNDE IBOLO AREA COURT GRADE 1 NO 2	APPEAL SUCCEEDS RETRIAL ORDER
41.	KWS/SCA/CV/M/OF/03/2011	ADEBAYO NAJEEM VS. ALIMOTU ADEBAYO	TUNJI OYETUNDE IBOLO AREA COURT GRADE 1 NO 2	APPLICATION STRUCK OUT

2011 ADJOURNMENTS

S/N	CASE NUMBERS	DATE FILED	DATE DECIDED	DURATION
1.	KWS/SCA/CV/AP/PG/02&03/2010	14/10/2010	12/01/2011	2Months 29 Days
2.	KWS/SCA/CV/AP/IL/08/2010	07/04/2010	13/01/2011	9 Months 6 Days
3.	KWS/SCA/CV/AP/IL/06/2010	11/03/2010	27/01/2011	10 Months 16 Days
4.	KWS/SCA/CV/M/IL/02/2011	04/02/2011	07/02/2011	3 Days
5.	KWS/SCA/CV/AP/IL/13/2009	21/07/2009	10/02/2011	18 Months 19 Days
6.	KWS/SCA/CV/AP/IL/17/2009	06/11/2009	10/02/2011	15 Months 4 Days
7.	KWS/SCA/CV/AP/IL/22/2010	26/11/2010	24/02/2011	2 Months 28 Days
8.	KWS/SCA/CV/AP/SH/01/2010	10/12/2010	08/03/2011	2 Months 29 Days
9.	KWS/SCA/CV/AP/LF/04/2010	30/09/2010	08/03/2011	5 Months 8 Days
10.	KWS/SCA/CV/AP/IL/20/2010	11/11/2010	09/03/2011	3 Months 28 Days

11.	KWS/SCA/CV/AP/PG/01/2011	24/01/2011	15/03/2011	1 Month 22 Days
12.	KWS/SCA/CV/M/IL/01/2011	19/01/2011	16/03/2011	1 Month 28 Days
13.	KWS/SCA/CV/AP/IL/19/2010	21/10/2010	07/04/2011	5 Months 17 Days
14.	KWS/SCA/CV/AP/IL/16/2010	22/09/2010	07/04/2011	6 Months 15 Days
15.	KWS/SCA/CV/AP/PG/02/2011	16/02/2011	03/05/2011	2 Months 18 Days
16.	KWS/SCA/CV/M/LF/02/2011	23/02/2011	04/05/2011	2 Months 11 Days
17.	KWS/SCA/CV/M/IL/05/2011	18/03/2011	06/05/2011	1 Month 18 Days
18.	KWS/SCA/CV/AP/LF/01/2011	14/01/2011	18/05/2011	4 Months 4 Days
19.	KWS/SCA/CV/AP/SH/01/2011	10/03/2011	31/05/2011	2 Month 21 Days
20.	KWS/SCA/CV/M/LF/04/2011	28/03/2011	31/05/2011	2 Months 3 Days
21.	KWS/SCA/CV/AP/IL/04/2011	25/02/2011	06/06/2011	3 Month 19 Days
22.	KWS /SCA//CV/AP/LF/05/2010	23/04/2010	21/06/2011	1 Year, 2 Months 2 Days

23.	KWS/SCA/CV/M/LF/08/2011	12/05/2011	21/06/2011	1 Month 9 Days
24.	KWS/SCA/CV/M/IL/07/2011	21/04/2011	05/07/2011	2 Months 15 Days
25.	KWS/SCA/CV/AP/IL/06/2011	21/04/2011	05/07/2011	2 Months 15 Days
26.	KWS/SCA/CV/M/IL/08/2011	30/06/2011	05/07/2011	5 Days
27.	KWS/SCA/CV/AP/LF/07/2011	10/05/2011	06/07/2011	2 Months 26 Days
28.	KWS/SCA/CV/AP/LF/05/2011	05/04/2011	20/07/2011	3 Month 16 Days
29.	KWS/SCA/CV/AP/IL/03/2011	22/02/2011	27/07/2011	5 Months 5 Days
30.	KWS/SCA/CV/AP/LF/10/2011	05/07/2011	22/09/2011	2 Months 17 Days
31.	KWS/SCA/CV/AP/LF/11/2011	14/07/2011	22/09/2011	2 Months 8 Days
32.	KWS/SCA/CV/AP/IL/11/2011	22/08/2011	29/09/2011	1 Months 7 Days
33.	KWS/SCA/CV/M/IL/12/2011	07/09/2011	30/09/2011	23 Days
34.	KWS/SCA/CV/M/LF/06 ^A /2011	06/07/2011	04/09/2011	2 Month 29 Days

35.	KWS/SCA/CV/AP/LF/09/2011	04/07/2011	04/10/2011	3 Months
36.	KWS/SCA/CV/AP/PG/04/2011	10/08/2011	06/12/2011	3 Months 27 Days
37.	KWS/SCA/CV/AP/PG/03/2011	16/05/2011	06/12/2011	6 Month 21 Days
38.	KWS/SCA/CV/M/IL/13/2011	21/09/2011	07/12/2011	2 Months 16 Days
39.	KWS/SCA/CV/M/SH/04/2011	28/10/2011	08/12/2011	1 Month 11 Days
40.	KWS/SCA/CV/M/LF/12/2011	28/10/2011	08/12/2011	1 Month 11 Days
41.	KWS/SCA/CV/AP/OF/01/2011	25/05/2011	20/12/2011	6 Months 26 Days
42.	KWS/SCA/CV/M/OF/03/2011	17/10/2011	20/12/2011	2 Months 3 Days

**INDEX OF SUBJECT MATTER ON
ANNUAL REPORT, 2011**

INDEX OF SUBJECT MATTER ON
THE ANNUAL REPORT 2011

(1) Appeal No: KWS/SCA/CV/AP/PG/02/&03/2010

Between:

1. Ndana Mohammed VS. Mariyam Ndana

2. Marim Ndana Vs. Ndana Mohammed

Marriage, maintenance of children of marriage. Access to conjugal relationship and right to maintenance. Duty of proof of allegation.

Admission of demand. Judgment must be based on proven fact.
Claim must be specific

(2) Appeal No: KWS/SCA/CV/AP/IL/08/2010

Between:

Alhaji Issa Alabi Usman

VS.

1- Mall. Mohammed Alabi

2- Alhaji Hussain Said

3- Alhaji Salihu Kareem

The appellate Court can refuse to entertain an appeal for an inconsistent claim before it.

Shap practice by counsel is seriously condemned under Islamic Law.

(3) Appeal No: KWS/SCA/CV/AP/IL/06/2010

Between:

Mr. Abdul Hameed Gbigbadua

VS.

Mrs. Falilat Imam Ibrahim

Mother should take the custody of her children till they attain the age of maturity if she has not re-married.

(4) Motion No: KWS/SCA/CV/M/IL/02/2011

Between:

Bashirat Giwa

VS.

Dr. Jimoh Rabiul Olusegun

An application would be considered where the Court sees Merit in it and there is no counter Affidavit filed by the respondent.

(5) Appeal NO: KWS/SCA/CV/AP/IL/13/2009

Cross Appeal No: **KWS/SCA/CV/AP/IL/17/2009**

Alhaja Salimat Yusuf & 6 others

VS.

Alhaji Abdulkadir Yusuf & 1 other

The golden rule of Islamic Law avails the couple of the marriage contracted in the absence of waliyy or Nikahul Fasid (Voidable Marriage) the right to inherit one another where any of the two couple dies before such Nikkah is dissolved or terminated.

(6) Appeal No: KWS/SCA/CV/AP/IL/22/2010

Between:

Muniru Kayode Elelu

VS.

Nimotallahi Muniru

Court should not determine a case before it where it will be tantamount to denial of right to fair hearing.

It is a sacred duty of a judge to attend to all claims and counter claims before him as failure to do so will amount to injustice and denial of right of fair hearing.

(7) Appeal No: KWS/SCA/CV/AP/SH/01/2010

Between:

Sidika Abdul Mumeen

VS.

Abdul Mumeen Idris

The Sharia Court of Appeal may re-hear or re-try the case in whole or in part and may do or order to be done anything which the Court below has power, to do or order.

The Child's maintainance is mandatory on the Father if the Child has not attained the age of puberty.

The Mother has a right of custody over her Child more than anybody else, if she has not remarried.

(8) Appeal No: KWS/SCA/CV/AP/LF/04/2010

Between:

Egiboribo Sodegba

VS.

Mihammed Ndamaka

An appellate Court can set aside the decision of the trial Court if it does not follow the normal procedure and the laid down Law in custody matters under Islamic Law.

(9) Motion No: KWS/SCA/CV/M/IL/20/2010

Between:

Ibrahim Raji
VS.
Rafat Temimu

An application for the withdrawal of a motion by the applicant or his counsel where there is no objection from the respondent or his counsel, puts an end to his case.

(10) Appeal No: KWS/SCA/CV/AP/PG/01/2011

Between:

Mohammed Baba
VS.
Fatima Mohammed

An appellate Court can set aside the decision of the trial Court if it is based on miscarriage of justice which renders the ruling in controversy a nullity.

(11) Motion No: KWS/SCA/CV/M/IL/01/2011

Between:

Ibrahim Raji
VS.
Ratatu Temimu

If an application lacks merit it is considered incompetent and should be struck out.

An appellate Court can dismiss the appeal if it lacks merit.

(12) Appeal No: KWS/SCA/CV/AP/IL/19/2010

Between:

Dr. Jimoh Rabiul Olusegun

VS.

Bashirat Giwa

When the Court lacks jurisdiction over a matter, The matter is bound to be struck out on Appeal.

Lack of jurisdiction – if an act is void then it is in law a nullity and not only bad but in curably bad and every proceeding in which it is founded is also bad, you can not put something on nothing and expect it to stay there, it will collapse.

(13) Appeal No: KWS/SCA/CV/AP/IL/16/2010

Between:

Dr. Jimoh Rabiul Olusegun

VS.

Bashirat Giwa

An appellate Court can set aside the decision of the trial Court if it is based on miscarriage of justice which renders ruling in controversy a nullity.

(14) Appeal No: KWS/SCA/CV/AP/PG/02/2011

Between:

Mohammed Ndalima Babogi

VS.

Fati (Kaka'Ara) Mohammed Ndaliman

Jurisdiction of Court - An appellate Court can strike out the appeal before it for want of Jurisdiction.

Every Kadi must have a separate jurisdiction but Imam or sovereign can limit their jurisdiction in any way he pleased and either as to the district over which their power extends or as to the power of entertaining judicial proceedings.

(15) Appeal No: KWS/SCA/CV/M/LF/02/2011

Between:

Aishatu Abdullahi

VS.

Abdullahi Jibril Dama

The applicant's prayer for the withdrawal of his application by himself should be granted as the claimant's silence put an end to his case.

(16) Motion No: KWS/SCA/CV/M/IL/05/2011

Between:

Mr Abdul Hameed Gbigbadua

VS.

Mrs. Falilat Imam Ibrahim

The court shall not grant a stay of execution until the applicant establishes strong basis that calls for it.

Emphasis must be placed on certain considerations before a motion for stay of execution is granted such as fairness, equity and conflicting interests of the parties.

A judgment without enforcement is of no benefit. There shall be no reconciliation after court decision by the same judge having heard and decided the matter in its merit.

Filing an appeal against the decision of Court does not automatically stay the execution of the already decided matter without cogent and substantial reasons by the same judge.

(17) Appeal No: KWS/SCA/CV/AP/LF/01/2011

Between:

Idowu Dzara

VS.

Nnakula Idowu

An appellate Court can set aside the decision of the trial court for lack of fair hearing because it is the sacred duty of a judge to attend to all claims and counter claims before him as failure to do so will amount to injustice and denial of fair hearing.

(18) Appeal No: KWS/SCA/CV/AP/SH/01/2011

Between:

Funke Abbul Fatai

VS.

Abdul Fatai Lawal

Child's maintenance is mandatory on the father till the child attains the age of majority and capable to earn a living.

(19) Motion No: KWS/SCA/CV/M/LF/04/2011

Between:

Aishetu Abdullahi

VS.

Abdullahi Jibril Dama

An application would be granted if all the requirements for it's validity are met.

(20) Appeal No: KWS/SCA/CV/AP/IL/04/2011

Between:

Sikirat Abdul Kadir

VS.

Alhaji Kehinde Abdul Kadir

When the appeal brought before the appellate Court lacks merit, it can be dismissed.

(21) Appeal No: KWS/SCA/CV/AP/LF/05/2010

Between:

Usman Ndagi

VS.

Fatima Nnamma Ndagi

An application for the withdrawal of a motion by the applicant. Himself, and there is no objection by the respondent, put an end to his case.

(22) Motion No: KWS/SCA/CV/M/LF/08/2011

Between:

Halimat Woye Shaaba

VS.

Hassan Shaaba

An application for extension of time would be granted if the court sees that all the requirements for its validity are there and also there was no counter affidavit from the respondent.

It is an Islamic golden procedure that cases such as Divorce, Marriage and Emancipation are not barred from litigation.

(23) Motion No: KWS/SCA/CV/M/IL/07/2011

Between:

Alhaji Issa Alabi

VS.

Alhaji Saliu Kareem

If the withdrawal of a motion is sought by the applicant himself the court will strike out the motion.

(24) Appeal No: KWS/SCA/CV/AP/IL/06/2011

Between:

Alhaji Issa Alabi

VS.

Alhaji Saliu Kareem

An appeal would be struck out for lack of interest in furthering prosecution of the appeal.

(25) Motion No: KWS/SCA/CV/M/IL/08/2011

Between:

Dr. Raufu Adewale Sanni & 1 Other

VS.

Ashiru Sanni Balogun

The plaintiff would be left alone if he decides to terminate his application.

(26) Appeal No: KWS/SCA/CV/AP/LF/07/2011

Between:

Yamaoko Emitsadza

VS.

Ibrahim Ketswo

The plaintiff would be left alone if he decides to terminate his appeal.

(27) Appeal No: KWS/SCA/CV/AP/LF/05/2011

Between:

Ndagi Man

VS.

Azara Ndagi Man

Under Islamic Law, a judge shall not give judgment on any issue or matter before him, until it hears all the statement of claims of the Appellant and evidence in his support and then asks the Respondent to put up her defence.

Under Islamic Law a judge can only initiate the solemnization of marriage in the absence of the near relations and the traditional rulers, when the biological father wants to force her ward to marry a man against her wish.

Under Islamic Law, a girl who is under coercion of her father to marry a man against her wish or sued her parent before a court of law cannot be married until she agrees, but if the judge orders her father to do so she has to agree with the order

(28) Appeal No: KWS/SCA/CV/AP/IL/03/2011

Between:

Medinat & Hairat Alamoyo

VS.

Jamiu Adam

An appellate Court can set aside the decision of the trial Court for lack of fair hearing.

(29) Appeal No: KWS/SCA/CV/AP/LF/10//2011

Between:

Yand'ana Welder

VS.

Aminat Yand'ana

The application would be struck out when the applicant himself prayed for the withdrawal.

(30) Appeal No: KWS/SCA/CV/AP/LF/11/2011

Between:

Ndana Kusomon

VS.

Aminatu Ndana

If the withdrawal of a motion is sought by the applicant himself the Court will struck out the motion.

(31) Appeal No: KWS/SCA/CV/AP/IL/11/2011

Between:

Suleman Oba Diko
VS.
Bilikisu Abimbola Diko

The appeal would be struck out when the appellant himself prays for the withdrawal.

(32) Motion No: KWS/SCA/CV/M/IL/12/2011

Between:

Mrs. Sherifat Abdul Rasaq
VS.

Alfa Abdul Rrasaq Ibrahim

Application for an extention of time is left for the discretion of judge where it is required especially in the matters that falls under emancipating divorce and consanguinity under the golden rule of Islamic Law.

(33) Motion No: KWS/SCA/CV/M/LF/06^A/2011

Between:

Yamusa Ndagi Ba'a
VS.

Fatima Sa'agi Yamusa

The Court should not allow the technicalities to prevent/disallow the substantial justice. Court should strive to do substantial justice and jetition technicalities.

(34) Appeal No: KWS/SCA/CV/AP/LF/09/2011

Between:

Halimatu Woye Shaaba

VS.

Alhassan Sha'aba

Any matter that has not been decided upon by the trial court cannot be appealed against.

(35) Appeal No: KWS/SCA/CV/AP/PG/04/2011

Between:

Ladan Chche

VS.

Mariyam Ladan

An application for the withdrawal of an appeal by appellant himself, and where no objection was roused by the respondent puts an end to his appeal.

(36) Appeal No: KWS/SCA/CV/AP/PG/03/2011

Between:

Idris Ibrahim

VS.

Ndamakun Mamajiya

The appellate Court can affirm the decision of the trial Court if it had followed the laid down law and procedure under Islamic Law.



(37) Motion No: KWS/SCA/M/IL/13/2011

Between:

Ahaja Hassanatu Ajoke

VS.

Alhaji Abdul Aziz Isiaq

The appellant would be left alone if he decides to terminate his appeal.

(38) Motion No: KWS/SCA/CV/M/SH/02/2011

Between:

Ruksyat Muritala

VS.

Muritala Yakubu

An application for an extension of time would be granted if the court sees good grounds in it.

(39) Motion No: KWS/SCA/CV/M/LF/12/2011

Between:

Ndache Alhaji Ndagi-Yanma

VS.

Fati Ndsche

An application for extension would be granted if it is based on good grounds.

(40) Appeal No: KWS/SCA/CV/AP/OF/01/2011

Between:

Zeinabu Iya Aziza

VS.

Abdul Saheed Lateef

The Appeal Court (Sharia Court) can declare a judgment of an Area Court null and void for want of jurisdiction by applying an alien law on an Islamic issue.

(41) Appeal No: KWS/SCA/CV/M/OF/03/2011

Between:

Adebayo Najeem

VS.

Alimotu Adebayo

Where the applicant seeks for the withdrawal of his motion and there is no objection from the respondent, it puts an ends to his case.



FILING AND DECISION OF MOTIONS/APPEALS 2011

S/No.	APPEAL & MOTION NUMBER	DATE OF DECISION IN THE TRAIL COURTS	DATE FILED IN SHARIA COURT OF APPEAL	DATE DECIDED SHARIA COURT OF APPEAL
1.	KWS/SCA/CV/AP/PG/02 and 03/2011	12/10/2010	14/10/2010	12/10/2011
2.	KWS/SCA/CV/AP/IL/08/2010	20/05/2009	07/04/2010	13/01/2011
3.	KWS/SCA/CV/AP/IL/06/2010	17/02/2010	11/03/2010	27/01/2012
4.	KWS/SCA/CV/M/IL/02/2011	04/10/2010	04/02/2011	07/02/2011
5.	KWS/SCA/CV/AP/IL/13/2009	24/06/2009	21/07/2009	10/02/2011
6.	KWS/SCA/CV/AP/IL/17/2009	24/11/2009	06/11/2009	10/02/2011
7.	KWS/SCA/CV/AP/IL/22/2010	30/07/2010	30/11/2010	24/02/2011
8.	KWS/SCA/CV/AP/SH/01/2010	03/12/2010	10/12/2010	08/03/2011
9.	KWS/SCA/CV/AP/LF/04/2010	02/03/2010	22/03/2010	08/03/2011
10.	KWS/SCA/CV/AP/IL/20/2010	09/11/2010	11/11/2010	09/03/2011
11.	KWS/SCA/CV/AP/PG/01/2011	05/01/2011	24/01/2011	15/03/2011
12.	KWS/SCA/CV/M/IL/01/2011	09/07/2010	19/10/2011	16/03/2011
13.	KWS/SCA/CV/AP/IL/19/2010	04/10/2010	21/01/2010	07/04/2011
14.	KWS/SCA/CV/AP/IL/16/2010	17/11/2011	22/09/2010	07/04/2011
15.	KWS/SC/CV/AP/PG/02/2011	17/01/2011	16/02/2011	03/05/2011

16.	KWS/SCA/CV/M/LF/02/2011	16/02/2011	23/02/2011	04/05/2011
17.	KWS/SCA/CV/M/IL/05/2011	27/01/2011	18/03/2011	06/05/2011
18.	KWS/SCA/CV/AP/LF/01/2011	16/12/2011	14/01/2011	18/05/2011
19.	KWS/SCA/CV/AP/SH/01/2011	07/03/2011	10/03/2011	13/05/2011
20.	KWS/SCA/CV/M/LF/04/2011	16/02/2011	28/03/2011	31/05/2011
21.	KWS/SCA/CV/AP/IL/04/2011	07/02/2011	25/02/2010	06/06/2011
22.	KWS/SCA/CV/AP/LF/05/2010	04/04/2011	23/04/2010	21/06/2011
23.	KWS/SCA/CV/M/LF/08/2011	13/07/2009	12/05/2011	21/06/2011
24.	KWS/SCA/CV/M/IL/07/2011	06/01/2011	21/04/2011	05/07/2011
25.	KWS/SCA/CV/AP/IL/06/2011	06/01/2011	21/04/2011	05/07/2011
26.	KWS/SCA/CV/M/IL/08/2011	20/05/2009	30/06/2011	05/07/2011
27.	KWS/SCA/CV/AP/LF/07/2011	04/05/2011	10/05/2011	06/07/2011
28.	KWS/SCA/CV/AP/LF/05/2011	04/04/2011	05/04/2011	20/07/2011
29.	KWS/SCA/CV/AP/IL/03/2011	17/02/2011	22/02/2011	27/07/2011
30.	KWS/SCA/CV/AP/LF/10/2011	22/06/2011	05/07/2011	22/09/2011
31.	KWS/SCA/CV/AP/LF/11/2011	07/07/2011	14/07/2011	22/09/2011
32.	KWS/SCA/CV/AP/IL/11/2011	17/08/2011	22/08/2011	29/09/2011
33.	KWS/SCA/CV/M/IL/12/2011	18/03/2011	07/09/2011	30/09/2011
34.	KWS/SCA/CV/M/LF/06 ^A /2011	30/03/2011	06/07/2011	04/10/2011

35.	KWS/SCA/CV/AP/LF/09/2011	13/07/2009	04/07/2011	04/10/2011
36.	KWS/SCA/CV/AP/PG/04/2011	02/08/2011	10/08/2011	06/12/2011
37.	KWS/SCA/CV/AP/PG/03/2011	27/04/2011	16/05/2011	06/12/2011
38.	KWS/SCA/CV/M/IL/13/2011	17/06/2011	21/09/2011	07/12/2011
39.	KWS/SCA/CV/M/SH/02/2011	15/06/2011	28/10/2011	08/12/2011
40.	KWS/SCA/CV/M/LF/12/2011	16/09/2011	28/10/2011	08/12/2011
41.	KWS/SCA/CV/AP/OF/01/2011	19/05/2011	25/05/2011	20/12/2011
42.	KWS/SCA/CV/M/OF/03/2011	15/07/2011	17/01/2011	20/12/2011

UNDISPOSED MOTIONS/APPEALS IN THE
YEAR 2011

S/NO	CASE NUMBERS	DATE FILED
1.	KWS/SCA/CV/AP/IL/10/2007	19-07-2007
2.	KWS/SCA/CV/AP/IL/15/2007	29-11-2007
3.	KWS/SCA/CV/AP/IL/01/2009	10-02-2009
4.	KWS/SCA/CV/AP/IL/10/2009	06-07-2009
5.	KWS/SCA/CV/AP/PG/03/2009	05-11-2009
6.	KWS/SCA/CV/AP/PG/04/2009	05-11-2009
7	KWS/SCA/CV/AP/IL/23/2010	22-12-2010
8.	KWS/SCA/CV/AP/IL/09/2011	04-08-2011
9.	KWS/SCA/CV/AP/IL/10/2011	05-08-2011
10.	KWS/SCA/CV/AP/IL/14/2011	12-10-2011
11.	KWS/SCA/CV/AP/IL/15/2011	21-10-2011

12.	KWS/SCA/CV/AP/IL/16/2011	18-11-2011
13.	KWS/SCA/CV/AP/LF/03/2011	23-02-2011
14.	KWS/SCA/CV/AP/LF/06/2011	06-04-2011
15.	KWS/SCA/CV/AP/LF/13/2011	08-12-2011
16.	KWS/SCA/CV/AP/LF/14/2011	13-12-2011
17.	KWS/SCA/CV/AP/LF/15/2011	16-12-2011
18.	KWS/SCA/CV/AP/LF/16/2011	07-10-2011
19.	KWS/SCA/CV/AP/SH/03/2011	28-11-2011
20.	KWS/SCA/CV/AP/SH/04/2011	16-12-2011
21.	KWS/SCA/CV/M/SH/05/2011	20-12-2011
22.	KWS/SCA/CV/M/OF/02/2011	18-08-2011
23.	KWS/SCA/CV/AP/PG/05/2011	19-12-2011

SUMMARY

1. Total Number of Motions/Appeals brought forward
From the Proceeding Year = 18
2. Total Number of Motions/Appeals filed in the year 2011 = 46
3. Total Number of Motions/Appeals Brought forward
and cases filed in the year 2011 = 64
4. Total Number of Motions/Appeals disposed in
the year 2011 = 41
5. Total Number of Motions/Appeals Undisposed
in the year 2011 = 23
6. **Total = 64**