

**IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE LAGOS JUDICIAL DIVISION  
HOLDEN AT LAGOS**

**SUIT NO:**

**COURT NO:**

**BETWEEN**

**1. ETI-OSA LOCAL GOVERNMENT COUNCIL  
LAGOS STATE**

**2. EGOR LOCAL GOVERNMENT COUNCIL EDO STATE**

**3. OWERRI MUNICIPAL LOCAL GOVERNMENT COUNCIL  
IMO STATE**

**4. PORT-HARCOURT CITY LOCAL GOVERNMENT COUNCIL  
RIVERS STATE**

**PLAINTIFFS**

**AND**

**1. HON. MINISTER OF INTERIOR**

**2. ATTORNEY GENERAL OF FEDERATION  
AND MINISTER OF JUSTICE**

**3. ANCHOR DATAWARE SOLUTIONS LIMITED  
(PARTY JOINED BY THE ORDER OF THE COURT ON THE  
9<sup>TH</sup> DAY OF AUGUST 2019**

**DEFENDANTS**

**ORIGINATING SUMMONS**

**LET** the (1) Hon. Minister of Interior (2) Attorney General of Federation and Minister of Justice, within Thirty (30) days after service of this summons, inclusive of the date of such service, cause an appearance to be entered to this summons which is issued upon the application of the Plaintiffs who claim to be entitled to the determination of the questions thereafter following the reliefs/claims hereunder appearing

- 1. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in **Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS.** delivered on the 8th day of June, 2004, this Honorable court can grant perpetual injunction restraining the 1<sup>st</sup>**

Defendant himself and/or either by his privies, agents, officers and/or delegates from contracting marriages as required to be done by the Plaintiffs' Registrar under 27 and/or other relevant section(s) of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.

2. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. delivered on the 8th day of June, 2004, this Honorable court can grant perpetual injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers and/or delegates from celebrating marriages as required to be done by the Plaintiffs' Registrars under Section 29 and/or other relevant section(s) of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.
3. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. Delivered on the 8th day of June, 2004, this Honorable court can grant perpetual injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers and/or delegates from registering marriages under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria, 2004 as same is required to be done by Section 26 and/or other relevant section(s) of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.
4. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in **Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2ORS.** delivered on 8th day of June, 2004, and pursuant to Section 13 of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers and/or delegates, pertaining to marriages under the Marriage Act, can only issue or grant licenses to authorize intending parties to marriage to marry, contract and/or celebrate marriages without more as required under Section 13 of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.
5. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT

COUNCIL & 2 ORS. delivered on the 8th day of June, 2004, this Honorable Court can grant perpetual injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers or delegates howsoever from issuing marriage certificates under marriages contracted and/or celebrated by the Plaintiffs' Registrar respectively as under Section 27 & 29 and/or other relevant section(s) of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.

**WHEREOF** the Plaintiffs claim against the Defendants as follows in the circumstances and event that the questions as set above are in the affirmative

1. AN ORDER of Perpetual Injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further contracting marriage under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils or Development Areas.
2. AN ORDER of Perpetual Injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further celebrating marriages under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils or Development Areas.
3. AN ORDER of Perpetual Injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further granting or issuing certificates of marriage under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils or Development Areas.
4. AN ORDER of Perpetual Injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further registering marriages contracted and/or celebrated under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils or Development Areas.
5. AN ORDER of Honorable court directing the 1<sup>st</sup> Defendant to transmit or return all marriage certificates issued within the respective Plaintiffs' Local Government Councils subsequently after the delivery of the judgment of Hon. Justice (Coram) R. Oyindamola Olomjobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. on the 8th day of June, 2004.
6. AN ORDER directing the 1<sup>st</sup> Defendant to return all the fees/money paid by couples' since the judgment in suit no FHC/L/870/2002 delivered on the 8<sup>th</sup> of June, 2004 to the Plaintiffs' Marriage Registries for re-issuance.

7. An ORDER of this Honorable court sealing all the Federal Marriage Registry established by the 1<sup>st</sup> Defendant in the Applicants local Government in Nigeria or alternatively restrict the 1<sup>st</sup> Defendant Marriage Registry or agencies or officers to ONLY issue "LICENSES" to places of public worship for the celebration of marriage or to contract Marriage under the Act at the Local Government Registrars office or to celebrate marriage in a licence place of worship

**THIS SUMMONS** was taken out by Roger Michael Adedimeji Esq., whose address for service is 70, St Finbarr's College Road, Akoka, Yaba, Lagos State.


The Defendants may appear hereto by entering appearance personally or by a legal practitioner either by handing in appropriate forms duly completed at the Federal High Court, Lagos or by sending them to that office by post.

Note: If the Defendants do not enter appearance within the time above mentioned, such orders will be made and proceedings may be taken as the judge think just and expedient.

*"This Originating Summons is to be served out of Federal High Court, Lagos Judicial Division and in the Federal Capital Territory, Abuja*

Dated this 12<sup>th</sup> day of April 2019.



  
.....  
MICHEAL ADEDIMEJI ROGERESQ.,  
ADEDAYO OLUYIDE ESQ.,  
OLAKUNLE AJALA ESQ.,  
APPLICANTS' COUNSEL,  
D'ROGERS CHAMBERS  
NO,70 ST. FINBAR'S COLLEGE ROAD,  
YABA,  
LAGOS.  
+2348022243781, 07043322097

**FOR SERVICE ON:**

- 1. THE 1<sup>ST</sup> RESPONDENT  
FEDERAL MINISTRY  
OF INTERIOR,  
FEDERAL CAPITAL TERRITORY  
ABUJA**
  
- 2. THE 2<sup>ND</sup> RESPONDENT  
FEDERAL MINISTRY OF  
JUSTICE,  
FEDERAL CAPITAL TERRITORY  
ABUJA**
  
- 3. C/O 3<sup>rd</sup> Respondent  
I.A Azuamah, esq.  
Yinka Salami Esq  
Karos Kaze  
Lucy Ijewere  
No 56, Ladoke Akintola Boulevard Garki Abuja  
080693532744  
ifeanyi@scepteranda.com**

**IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE LAGOS JUDICIAL DIVISION  
HOLDEN AT LAGOS**

**SUIT NO:**

**COURT NO:**

**BETWEEN**

- 1. ETI-OSA LOCAL GOVERNMENT COUNCIL  
LAGOS STATE**
- 2. EGOR LOCAL GOVERNMENT COUNCIL  
EDO STATE**
- 3. OWERRI MUNICIPAL LOCAL GOVERNMENT COUNCIL  
IMO STATE**
- 4. PORT-HARCOURT CITY LOCAL GOVERNMENT  
RIVERS STATE**

**PLAINTIFFS**

**AND**

- 1. HON. MINISTER OF INTERIOR**
- 2. ATTORNEY GENERAL OF FEDERATION  
AND MINISTER OF JUSTICE**
- 3. ANCHOR DATAWARE SOLUTIONS LIMITED  
(PARTY JOINED BY THE ORDER OF THE COURT ON THE  
9<sup>TH</sup> DAY OF AUGUST 2019**

**DEFENDANTS**

**AFFIDAVIT IN SUPPORT OF ORIGINATING SUMMONS**

**I, Oluyole Temitayo Oluwaseun**, Adult Male, Christian, Nigerian Citizen of No 49, Ibukun-Olu Street Akoka, Yaba, Lagos State, do hereby make oath and state as follows:

1. That I am a litigation clerk in the law firm of the counsel to the 1<sup>st</sup> Plaintiff/Applicants in this suit by virtue of which I am familiar and conversant with the facts deposed to in this affidavit.

2. That I also have the authority of the Plaintiffs and my employer to depose to the facts of this case
  
3. That I was informed on the 8<sup>th</sup> of May 2018 at about 9:45a.m, in our office, by Michael Roger Esq, the Plaintiffs' Counsel and which I verily believed to be true as follows:
  - (a) That Honorable Justice R. Oyindamola Olomojobi of the Federal High Court, Lagos, delivered a judgment on the 8<sup>th</sup> day of June, 2004 in *Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2ORS*. The Certified True Copy of the judgment is attached and marked as **Exhibit A (2004 Judgment)**
  
  - (b) That by the said judgment, the Court declared:
    - (i) That registration of all marriages under the Marriage Act is within the exclusive reserve of the (Marriage district) local government of the Plaintiffs.
  
    - (ii) That contraction and/or celebration of all marriages under the Marriage Act is within the authority of the Registrar of the Marriage Districts and/or the licensed Minister of a licensed place of worship.
  
    - (iii) That the 1<sup>st</sup> Defendant and his delegates cannot contract, celebrate or register marriages under the Act.
  
    - (iv) That the 1<sup>st</sup> Defendants are only empowered by the Act to give licenses to intending couples to marry.
  
    - (v) That by the 1<sup>st</sup> Respondent's licenses, intending couples or parties so named on the licenses can proceed to have their marriages contracted and/or celebrated by the Registrars of the Marriage District and/or celebrated by a licensed or recognized ministers in licensed places of worship.

- c. After 14 years of the said judgment, the 1<sup>st</sup>& 2<sup>nd</sup> Defendants, despite being parties and actively involved in the case with direct knowledge and notice of the said judgment, are still flagrantly disobeying the judgment.
- d. That all efforts made by the Plaintiffs herein to enable the 1<sup>st</sup>& 2<sup>nd</sup> Defendants comply with the judgment of the Honorable Court through letters to the 1<sup>st</sup>& 2<sup>nd</sup> Defendants to desist from contracting, celebration and registration of marriages under the Act were to no avail as the 1<sup>st</sup> & 2<sup>nd</sup> Defendants continue to disregard and ignore the said judgment. The said letters are hereby attached and marked **Exhibit B(1) (2)**
- e. That the 1<sup>st</sup>& 2<sup>nd</sup> Defendants still believe that by the said judgment, the 1<sup>st</sup>& 2<sup>nd</sup> Defendants can still contract, celebrate, issue certificate and register marriage under the act
- f. That 1<sup>st</sup> Defendant in disobedience to the above Judgment wrote a letter to the 2<sup>nd</sup> Plaintiff to obtain licenses from the Ministry of Interior. The copy of the latter is hereby attached and marked as **Exhibit C**
- g. That the 1<sup>st</sup> Defendant continues to disobey the Ruling of Hon. Justice R. Oyindamola Olomojobi of the Federal High Court, Lagos, in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS by establishing three (3) Federal Marriage Registries in the 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Plaintiffs Local Government council. We hereby attached copies of the adverts to the public and marked as **Exhibit D(1),(2),(3)**
- h. That in view of the 1<sup>st</sup> & 2<sup>nd</sup> Defendants' position as averred in sub-paragraph (d) & (e) above, the Plaintiffs instituted **Suit NO; FHC/L/CS/1760/16** Egor Local Government Council & 3 Ors V Hon. Minister of Interior & 2Ors before Hon. Justice Chuka Augustine Obiozor which was struck out for lack of jurisdiction which was struck out on the ground that the Declaration sought by the Plaintiffs have been granted in **Suit No; FHC/L/870/2002 between PRINCE L.**



**ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS.** We hereby attached the said Judgment and marked as **Exhibit E**

- i. That 2004 Judgment being declaratory in nature and by the hints of Hon. Justice Chuka Augustine Obiozor in the 2018 Judgment, the Plaintiffs hence brought this action.
- j. That the Plaintiffs believe that except positive order is consequentially made on the said 2004 judgment, the 1<sup>st</sup> & 2<sup>nd</sup> Defendants will continue to refuse compliance with the judgment.
- k. That upon the said judgment, I believe that this Honorable Court can grant the consequential Orders as prayed on our application.
- l. That I believe the grant of this application will serve the interest of justice.
4. That I believe that the grant of this application will not bring any hardship or or cause injustice or prejudice against the Respondents.
5. That I depose to this affidavit in good faith believing the contents to be true and same in accordance with the Oaths Law.

  
.....  
**DEPONENT**

Sworn to at the Federal High Court Registry, Lagos

this .....day of.....2019

BEFORE ME

*Original Signed*  
**M. J. BUSARI (MRS)**  
**COMMISSIONER FOR OATHS**



i.

**IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE LAGOS JUDICIAL DIVISION  
HOLDEN AT LAGOS**

**SUIT NO:**

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**BETWEEN**

- |   |                                  |                          |
|---|----------------------------------|--------------------------|
| <p><b>1. ETI-OSA LOCAL GOVERNMENT COUNCIL<br/>LAGOS STATE</b></p> <p><b>2. EGOR LOCAL GOVERNMENT COUNCIL EDO STATE</b></p> <p><b>3. OWERRI MUNICIPAL LOCAL GOVERNMENT COUNCIL<br/>IMO STATE</b></p> <p><b>4. PORT-HARCOURT CITY LOCAL GOVERNMENT COUNCIL<br/>RIVERS STATE</b></p> | <p style="font-size: 3em;">}</p> | <p><b>PLAINTIFFS</b></p> |
|---|----------------------------------|--------------------------|

**AND**

- |  |                                  |                          |
|--|----------------------------------|--------------------------|
| <p><b>1. HON. MINISTER OF INTERIOR</b></p> <p><b>2. ATTORNEY GENERAL OF FEDERATION<br/>AND MINISTER OF JUSTICE</b></p> <p><b>3. ANCHOR DATAWARE SOLUTIONS LIMITED<br/>(PARTY JOINED BY THE ORDER OF THE COURT ON THE<br/>9<sup>TH</sup> DAY OF AUGUST 2019</b></p> | <p style="font-size: 3em;">}</p> | <p><b>DEFENDANTS</b></p> |
|--|----------------------------------|--------------------------|

**WRITTEN ADDRESS IN SUPPORT OF THE ORIGINATING SUMMONS**

**INTRODUCTION**

**1.01** This Address is for the Originating Summons brought by the Plaintiffs in this suit.

**1.02** The Judgment of Hon. Justice (Coram) R. Oyindamola Olomjobi of the Federal High Court, Lagos in Suit No; FHC/L/870/2002 between *PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2ORS delivered on 8th day of June, 2004* is against the Defendants herein. The said Judgment is in effect as follows:

(i.) That registration of all marriages under the Marriage Act is within the exclusive reserve of the (Marriage district) local government.

(ii.) That contraction and/or celebration of all marriages under the Marriage Act is within the authority of the Registrar of the Marriage Districts and/or the licensed Minister of a licensed place of worship.

**1.03** That in spite of the said judgment and several letters caused on behalf of the 1<sup>st</sup> Plaintiff, the 1<sup>st</sup> Defendant has flagrantly continued to disobey the judgment by continued to contract, celebrate and register marriages under the Marriage Act Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 in the various Local Government Councils of the Plaintiffs.

**1.04** By various communications with the Defendants for compliance with the said judgment, the 1<sup>st</sup> Defendant has tenaciously held the position that the said judgment does not declare the 1<sup>st</sup> Defendant incapable of contracting, celebrating, registering marriages and even issuing certificates of marriage as under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.

**1.05** Consequently, the Plaintiffs filed this application for determination of the following questions in relation to the judgment of Hon. Justice (Coram) R. Oyindamola Olomjobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. delivered on the 8th day of June, 2004 as follows:

1. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial *Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS.* delivered on the 8th day of June, 2004, this Honorable court can grant perpetual injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers and/or delegates from celebrating marriages as required to be done by the Plaintiffs' Registrars under Section 29 and/or other relevant section(s) of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.
2. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. delivered on the 8th day of June, 2004, this Honorable court can grant perpetual injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers and/or delegates from registering marriages under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria, 2004 as same is required to be done by Section 26 and/or other relevant section(s) of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.
3. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2ORS.delivered on 8th day of June, 2004, and pursuant to Section 13 of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers and/or delegates, pertaining to marriages under the Marriage Act, can only issue or grant licenses to authorize intending parties to marriage to marry, contract and/or celebrate marriages without more as required under Section 13 of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.
4. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomojobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. delivered on the 8th

day of June, 2004, this Honorable Court can grant perpetual injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers or delegates howsoever from issuing marriage certificates under marriages contracted and/or celebrated by the Plaintiffs' Registrar respectively as under Section 27 & 29 and/or other relevant section(s) of the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.

5. Whether in view of judgment of Hon. Justice (Coram) R. Oyindamola Olomjobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. delivered on the 8th day of June, 2004, this Honorable Court can grant perpetual injunction restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents, officers or delegates howsoever from issuing marriage certificates under marriages contracted and/or celebrated by the Plaintiffs' Registrar respectively as under Section 27 & 29 and/or other relevant section(s) of the *Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004.*

And the Plaintiffs, in the circumstances that the questions 1-4 as set out on the Originating Summons are answered in affirmative, Plaintiffs claimed against the Defendants as follows:

1. **AN ORDER of Perpetual Injunction** restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further contracting marriages under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils or Development Areas.
2. **AN ORDER of Perpetual Injunction** restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further celebrating marriages under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils Areas.

3. **AN ORDER of Perpetual Injunction** restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further granting or issuing certificates of marriage under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils or Development Areas.
  4. **AN ORDER of Perpetual Injunction** restraining the 1<sup>st</sup> Defendant himself and/or either by his privies, agents or delegates from further registering marriages contracted and/or celebrated under the Marriage Act, Cap. M6 Laws of the Federation of Nigeria (LFN), 2004 within the Plaintiffs' Local Government Councils or Development Areas.
  5. **AN ORDER of Honorable court directing** the 1<sup>st</sup> Defendant to transmit or return all marriage certificates issued within the respective Plaintiffs' Local Government Councils subsequently after the delivery of the judgment of Hon. Justice (Coram) R. Oyindamola Olomjobi of the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. on the 8th day of June, 2004.
  6. AN ORDER directing the 1<sup>st</sup> Defendant to return all the fees/money paid by couples' since the judgment in suit no FHC/L/870/2002 delivered on the 8<sup>th</sup> of June, 2004 to the Plaintiffs' Marriage Registries for re-issuance.
  7. An ORDER of this Honorable court sealing all the Federal Marriage Registry established by the 1<sup>st</sup> Defendant in the Applicants local Government in Nigeria or alternatively restrict the 1<sup>st</sup> Defendant Marriage Registry or agencies or officers to ONLY issue "LICENSES" to places of public worship for the celebration of marriage or to contract Marriage under the Act at the Local Government Registrars office.
- 1.06** In support of the Originating Summons, we filed a 3- paragraph affidavit deposed to by one Oluyole Temitayo Oluwaseun, a litigation clerk in the law firm of the Plaintiffs' counsel and affixed thereto some exhibits.
- 1.07** We rely on the depositions as contained in the affidavit in support and all the exhibits affixed thereto.

### a. ISSUE FOR DETERMINATION

2.01 The Plaintiffs respectfully submit sole issue for the determination of this case:

*“Whether by the judgment of Hon. Justice (Coram) R. Oyindamola Olomjobiof the Federal High Court, Lagos Judicial Division in Suit No; FHC/L/870/2002 between PRINCE L. HAASTRUP & ANR. V ETI-OSA LOCAL GOVERNMENT COUNCIL & 2 ORS. delivered on the 8th day of June, 2004, the 1<sup>st</sup> Defendant should not be restrained in contracting, celebrating, registering marriages and issuing of certificate of marriage within the Plaintiffs’ Local Government Council”*

### 3.00. ARGUMENT:

3.01. It is trite law that the Judgment of the Honorable court is meant to be obeyed and parties are bound by the decision therein. The judgment of a court of law is valid and subsisting until is set aside by a superior court. Furthermore, it is a settled law that a consequential order is an order founded on the claims of a successful party. It is a decision that naturally flows directly from the decision or judgment delivered by a court. We refer the court to the case of **Akapo V Hakeem-Habeeb (1992) AT 304 PARA E**. My lord, in declaratory judgment a court’s discretion is required and this discretion is a part of equity which must be granted judiciously having regard to fact and equity. It is our submission that the Honorable court can order an injunction as equitable remedy where it is not specifically claimed but appears incidentally necessary to protect the Plaintiff’s rights. We further refer the court to the case of **Ilona V Idakwo (2003) 11 NWLR (pt.830) 53 at Para B-C**.

3.02 My Lord, first on the issue of registration of marriages as under the Act, we submit in view of the 2004 Judgment and particularly **Section 7.1(5) and paragraph 1(i) of the fourth schedule of the 1999 Constitution of the Federal Republic of Nigeria as amended (1999 CFRN) and Section 30(1) of the Marriage Act** that registration of marriages under the Marriage Act is within the exclusive reserve of the Registrars of the Marriage District (Local

Government Councils in Nigeria) and in the instant case the Plaintiffs. On this we refer to page 18 line 3 & page 19 of the 2004 Judgment reproduced thus:

*"I will reproduce section 7.1(5) and paragraph 1(i) of the fourth schedule of the constitution hereunder:-*

*"7.1. the system of local government by democratically elected government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils."*

*While paragraph 1(i) of the fourth schedule states that:-*

*'1 The main functions of a Local Government Council are as follows:*

*(i) Registration of all births, deaths and marriages;"*

*From the aforesaid provisions, there is no doubt that registrations of marriages is within the exclusive authority of the registrar within the marriage district concerned. Regarding registration of marriages (and not celebration or contracting of marriages), section 30 (1) of the Marriage Act also provides as follows:-*

*'30-(1) Every registrar shall forthwith register in a book to be kept in his office for such purpose, and to be called the Marriage Register Book, every certificate of marriage which shall be filed in his office according to the Form F in the First Schedule; and every such entry shall be made in the order of date from the beginning to the end of the book, and every entry so made shall be dated on the day on which it is so entered, and shall be signed by the registrar, and such book shall be indexed in such manner as is best suited for easy reference thereto."*

*From the aforesaid provisions therefore, every registrar is mandated to register every certificate of marriage which shall be filed in his/her office. And by virtue of the provision of paragraph 1(i) of the Fourth schedule to the 1999 constitution, registration of all marriages are within the exclusive authority of the registrars within the marriage district."*



3.03 Further on the registration of marriages under the Act, we refer to page 22 of the 2004 Judgment reproduced thus:

*As regards registration of marriages only, this is within the exclusive authority of the registrar within the marriage district ( Local Government) in accordance with the provisions of Section 30(1) of the Marriage Act and Section 7(5) of the constitution of the Federal Republic of Nigeria 1999; and paragraph 1(1) of the Fourth Schedule of the same constitution.*

3.03 On the licensing of marriages, we refer to page 22 of the 2004 Judgment and particularly thus:

*“In conclusion therefore, lawful bodies or authorities which can celebrate or contract marriages for intending persons who are desirous of getting married as husbands and wives are:*

1. *Registrars in places designated as an office.*
2. *Recognized ministers of religion in a licensed place of worship.*
3. *Marriages contracted under the licence granted by the Director-General Ministry of Internal Affairs, Director-General of a State Government in charge of marriages, any officer in the aforestated ministries and of course, the minister of Internal Affairs.”*

We submit with regards to number 3 listed above that it means no more than the Director- General Ministry of Internal Affairs, Director-General of a State Government in charge of marriages, any officer in the aforestate ministries and of course the minister of Internal Affairs which is the 1<sup>st</sup> Defendant can issue or grant licenses to parties proposing to marry.

3.04. In furtherance of this position that the institutions or officers as listed in number 3 above are merely to issue or grant licenses to marry under the Act and no more, we refer Your Lordship to **Section 13 of the Marriage Act** which provides thus;

*“ The Minister upon proof being made to him by affidavit that there is no lawful impediment to the proposed marriage, and that the necessary consent, if any, to such marriage has been obtained, may if he shall think fit, dispense with the giving of notice, and with the issue of the certificate of the registrar, and may grant his license, which shall be according to*

Form D in the First Schedule, authorising the celebration of a marriage between the parties named in such license by a registrar or by a recognized minister of some religious denomination or body".  
(Emphasis and underlining ours).

- 3.05. By the above My Lords, the Minister which is the 1<sup>st</sup> Defendant in this case can only grant licenses. The registrar or a recognized minister of some religious denomination or body can now act on the license by celebrating and or contracting the marriage as between the parties named in the license. The Minister or the 1<sup>st</sup> Defendant cannot celebrate or contract the marriage. It is only the registrars of the Marriage Districts (Local Government Councils as constituted as under the 1999 Constitution of the Federal Republic of Nigeria as amended) and recognized religious ministers of some religious denomination can contract or celebrate marriages under the Marriage Act.

On the certification, we submit that the registrars of the Marriage Districts is (Local Government Councils) and in the instant case the Plaintiffs is empowered variously on the issuance of certificate and other incidental issues concerning certificates as under the Marriage Act as variously provided by **Section 11, 24, 25, 26, 27, 30 & 31 of the Marriage Act.**

- 3.06. On celebration of marriages, we refer My Lord to Section 21 of the Marriage Act which provide thus:

*"Marriage may be celebrated in any licensed place of worship by any recognized minister of the church, denomination or body to which such place of worship belongs, and according to the rites or usages of marriage observed in such church, denomination or body."*

Section 22 states that the religious ministers cannot celebrate marriage if there impediments to such marriage or the parties without license to be issued under Section 13 of the Marriage Act. Section 23 provides that the religious ministers can only celebrate the marriage in a building duly licensed by the Minister or in such places as may be directed under the

license issued under Section 13 of the Act by the Minister in this case the 1<sup>st</sup> Defendant.

3.07. In view of the above and in the 2004 Judgment, we submit that the celebration of marriages is reserved for religious ministers of a denomination or public places of worship. The 1<sup>st</sup> Defendant cannot celebrate marriages under the Act. The ministers of religious body can also celebrate the marriages upon the direction of the licenses duly issued by the 1<sup>st</sup> Defendant to the intending parties to a marriage.


On contraction of marriages under the Act, we submit on Section 27 of the Act that the registrars can contract marriages with parties so named on the licenses issued by the 1<sup>st</sup> Defendant under Section 13.

3.08. We also submit that the registrars can also contract marriages to parties already issued with license by the 1<sup>st</sup> Defendant or issue a marriage certificate to married couples under the Act, provided they fulfilled the preliminary action under Sections 7,8,9,10,11,12 and 13 of the Marriage Act.

**b. CONCLUSION**

c. In the light of all our submissions and on the strengths of the 2004 Judgment, we urge this Honorable Court to grant our prayers as on the Originating Summons.

Dated this 12<sup>th</sup> day Of April 2019.

  
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**FOR SERVICE ON:**


- 1. THE 1<sup>ST</sup> RESPONDENT  
FEDERAL MINISTRY  
OF INTERIOR  
FEDERAL CAPITAL TERRITORY  
ABUJA**
  
- 2. THE 2<sup>ND</sup> RESPONDENT  
FEDERAL MINISTRY OF  
JUSTICE,  
FEDERAL CAPITAL TERRITORY  
ABUJA**
  
- 3. C/O 3<sup>rd</sup> Respondent  
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080693532744  
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**IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE LAGOS JUDICIAL DIVISION  
HOLDEN AT LAGOS**

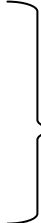
**SUIT NO:**

**COURT NO:**

**BETWEEN**

- |   |   |                          |
|---|---|--------------------------|
| <p><b>1. ETI-OSA LOCAL GOVERNMENT COUNCIL<br/>LAGOS STATE</b></p> <p><b>2. EGOR LOCAL GOVERNMENT COUNCIL EDO STATE</b></p> <p><b>3. OWERRI MUNICIPAL LOCAL GOVERNMENT COUNCIL<br/>IMO STATE</b></p> <p><b>4. PORT-HARCOURT CITY LOCAL GOVERNMENT COUNCIL<br/>RIVERS STATE</b></p> |  | <p><b>PLAINTIFFS</b></p> |
|---|---|--------------------------|

**AND**


- |  |  |                          |
|--|--|--------------------------|
| <p><b>1. HON. MINISTER OF INTERIOR</b></p> <p><b>2. ATTORNEY GENERAL OF FEDERATION<br/>AND MINISTER OF JUSTICE</b></p> <p><b>3. ANCHOR DATAWARE SOLUTIONS LIMITED<br/>(PARTY JOINED BY THE ORDER OF THE COURT ON THE<br/>9<sup>TH</sup> DAY OF AUGUST 2019</b></p> |  | <p><b>DEFENDANTS</b></p> |
|--|--|--------------------------|

**LIST OF DOCUMENTS TO BE RELIED UPON AT THE TRIAL**

1. A copy of letter dated 15th day of November 2016
2. A copy of letter dated 23<sup>rd</sup> of June 2004
3. A copy of Judgment of Hon. Justice (Prof.) Chuka Austine Obiozor delivered on the 30<sup>th</sup> April 2018 in Suit No: FCH/L/CS/1760/2016 between Egor Local Government Council & 3 Ors V Hon. Minister of Interior & Anr.
4. A copy of Judgment of Hon. Justice R. Oyindamola Olomojobi delivered on the 8<sup>th</sup> of June 2004 in Suit No: FCH/L/870/2002 between Prince L. Hastrup

& Anr. V Eti-Osa Local Government & 2 Ors

Dated this 12<sup>th</sup> day of April 2019.

  
.....  
MICHAEL ABEDIMEJI ROGERESQ.,  
ADEDAYO OLUYIDE ESQ.,  
OLAKUNLE AJALA ESQ.,  
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