

IN THE HIGH COURT OF LAGOS STATE
HOLDEN AT IKORODU JUDICIAL DIVISION
BEFORE THE HON. JUSTICE I.O. AKINKUGBE (MRS.) NO 26
SITTING AT COURT 1, IKORODU DIVISION
TODAY MONDAY THE 6TH DAY OF OCTOBER 2025

SUIT NO: IKD/1317LMW/2015

BETWEEN:

1. MADAM ESTHER FEHINTOLA HARRIET
 2. PRINCE YOMI T.O.S. BENSON
 3. PRINCESS TAIWO T.O.S BENSON
 4. PRINCESS KEHINDE T.O.S. BENSON
 5. PINCESS HEWETT ADEGBOYEGA OLANREWaju
 6. DR. LIONEL OLUSEGUN BENSON
(Suing through their Lawful Attorney)
- CLAIMANTS

AND

1. CHIEF AHMED OJEBIYI
 2. MR. WASIU ESHILOKUN
 3. MR. LATEEF SAMINU ESHILOKUN
 4. CHIEF IBIKUNLE MATIMOJU
(For themselves and on behalf of Asajon Family)
 5. ALAHAJI AL-MUSTAPHA DODO-MATTI
(For himself and Matti Family)
 6. MR. SAHEED ONIPEDE
 7. MR. EGBEYEMI LATEEF OLADIMEJI
 8. LAGOS STATE MINISTRY OF LAND BUREAU
 9. LAGOS STATE GOVERNMENT
 10. ATTORNEY GENERAL OF LAGOS STATE
 11. ENGINEER FREDRICK OLOFIN
 12. HASSAN HAMMED ADEDARA
 13. ALHAJA MUMINAT GBEMISOLA OSI-EFA
(For themselves and on behalf of the Allotees of Land
within Ikorodu GRA Scheme 2, Ebute, Ikorodu)
- DEFENDANTS

RULING

The issue for determination is founded upon an issue raised by the Claimants Counsel on the last date of sitting regarding whether I.K. Thany Esq. representing the 1st to 3rd Defendants could continue to appear as counsel in view of his recent suspension by the Legal Practitioners Disciplinary Committee.

I.K. Thany Esq. was of the opinion that he could continue to practice as having filed an appeal against the decision, the appeal operated as a Stay. He also relied

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on Section 12 (7) of the Legal Practitioners Act. The Submissions have been carefully considered as well as the provisions of Section 12 (6) a of the Legal Practitioners Act LFN volume 7, 2010.

I find as follows;

Section 12 (6) (a) is reproduced below as follows: -

12(6) A direction of the Appeal committee under subsection (3) of this section shall take effect:-

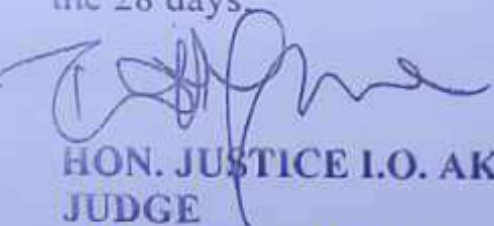
- a) *Where no appeal under this section is brought against the direction within the time limited for the appeal on the expiration of that time.*
- b) *Where such an appeal is brought and is withdrawn or struck out for want of prosecution on the withdrawal or striking out of the appeal.*
- c) *Where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed,*

and shall not take effect except in accordance with the foregoing provisions of this subsection.

The relevant subsection to this ruling is Section 12 (6) (a).

In effect therefore by virtue of the provisions of Section 12 (6)(a) the filing of an appeal does operate as a Stay of execution which in effect means I.K Thany Esq. can continue to practice until his appeal is determined. I have also considered whether the appeal was filed within the 28 days period after the date of service of the Notice direction. Mr. I.K Thany furnished the Court as requested for, with a copy of the notice of appeal with the date of receipt on it. The Direction from the said Notice was dated 15th September 2025 although the date of receipt of the Direction is not stated, the date the said appeal was received at the Legal Practitioners Disciplinary Committee is stated to be 26th September 2025 within the 28 days.

CERTIFIED TRUE COPY


HON. JUSTICE I.O. AKINKUGBE (MRS.)

JUDGE

6TH OCTOBER 2025

APPEARANCE

Claimant Attorney present

11th Defendant present

1st to 10th, 12th and 13th Defendants absent

Abiola Duduyemi for the Claimant

I.K. Thany for the 1st to 3rd Defendants

O.Owoyemi for the 5th to 9th Defendants

No representation for the 10th to 13th Defendants

