

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT APO – ABUJA

**CLERK: CHARITY
COURT NO. 16
SUIT NO: FCT/HC/CV/1692/19
MOTION NO: FCT/HC/CV/1692/19
DATE: 30 – 1 – 2020**

BETWEEN:

MALALA EDUCATIONAL MOMENTUM LIMITED

**PLAINTIFF
/APPLICANT**

AND

UACN PROPERTIES DEVELOPMENT COMPANY

**DEFENDANT
/RESPONDENT**

RULING

(DELIVERED BY HON. JUSTICE S. B. BELGORE)

This bench ruling concerns a motion on notice M/5479/19 just moved two minutes ago. The motion prayed for three principal reliefs to wit:

- 1) An order of interlocutory injunction restraining the Respondent, its agent, servants, privies, employees, assignors, licensees or persons acting through and for the Respondent from disconnecting the electricity, water supply and other services of the Applicant's property situate at house 7 Gardenia Road, UAC Metro city, Apo Dutse, Abuja.
- 2) An order of interlocutory injunction restraining the Respondent, its agents, servants, privies, employees, assignors, licensees and other person acting through or and for the Respondent from further threatening to

interfere with and disturb the peaceful possession of the Claimant or to disconnect the electricity, water supply and other services to its property.

- 3) An order of interlocutory injunction mandating the Respondent, their privies, employees, servants, agents, affiliates, assignees, licensees etc. to maintain the status quo.

In support of the application is a 13 paragraph affidavit and a written address. The supporting affidavit has 13 exhibits attached.

A few minutes ago, learned counsel to the claimant/applicant – Mr Ikechukwu Onyimba moved the application brevimanu. He urged me to grant the application moreso that no counter affidavit was moved.

Mr AdetayoAdeyemi, learned counsel of the Defendant/Respondents replied on the point of law having filed no counter-affidavit. He left the matter to the discretion of the court. But he was quick to add that as a counsel in this matter, they know that once a matter is in court, parties are expected to stay action on the Res. So, they don't intend to do anything that would interfere with the course of justice in this case.

I have considered the application as moved and as replied to by the both counsels. The circumstances are such that I, haven taken the depositions in the entire 13 paragraphs supporting affidavit as the true facts in relation to this application. And it has weighed heavily in my mind the assurance given from the Bar by Mr Adeyemi that they and their clients would not do anything that would tamper with the property or the Res while this case lasts in this court.

It is for the above reason that I grant this application as prayed.

Court: this case is adjourned to 25 – 3 – 2020.