

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT APO

CLERK: CHARITY

COURT NO. 16

SUIT NO : FCT/HC/CV/006/2020

M/031/2020

DATE:15/05/2020

BETWEEN

ADEBIMPE JENNIFER ATINUKE ADEBAYO..... CLAIMANT/APPLICANT

AND

HON. BOLAJI YUSUF AYINLA DEFENDANT/RESPONDENT

RULING

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

In this motion ex-parte number M/031/20,the applicant prayed for the following principal relief:

“ An order of interim injunction restraining the Defendant /Respondent herein either by himself, agent, or agents, privy or privies, servant or servants, assign or assigns or any other person or persons from selling the three (3) Bedroom Bungalow lying, being

and situate at No. 6, Juba Street Suncity Estate Abuja or from ejecting or taking any step or steps whatever capable of disturbing her peaceful occupation and possession of the said property pending hearing and determination of the motion on Notice”

In support of the application are 2 affidavits deposed to by the claimant/applicant herself to wit:

- (1) An affidavit in support which is of 27-paragraphs. It is dated 27-4-2020 but filed on 29-4-2020. And there are 3-Exhibits attached to it. i.e. AJ4, AJ5 and AJ6.
- (2) An affidavit of urgency of 3-paragraphs dated 29-4-20 and filed same day.

There is also a written address filed in support and it is dated 27-4-20.

A short while ago, learned counsel to the applicant, Mr. Adetayo Adeyemo moved the application summarily. He referred to all the processes they had earlier filed and urged me to grant the application pending the hearing and determination of the motion on Notice.

I have considered the application as summarily moved. I have also adverted to the content of the two attached affidavits to this application and written arguments in support of same.

In my view, having regard to and in fact on the strength of the depositions in paragraphs 9-25 of the main affidavit in support and more particularly of paragraphs 2(a) - (9) of the affidavit of urgency deposited to by the same deponent, there seems to be considerable merit in this application. I am fortified in my belief by the fact that there is already a motion on Notice filed M/032/20 pending in the court and the fact that in law, this order sought for is to last for a short period.

I mean pending this hearing and determination of the motion on Notice. I had earlier referred to i.e. M/032/20.

In effect therefore this application is granted as prayed.

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S.B. Belgore
(Judge) 15-5-2020