

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT MAITAMA – ABUJA**

**BEFORE HIS LORDSHIP: JUSTICE SALISU GARBA  
COURT CLERKS: FIDELIS T. AAYONGO & OTHERS  
COURT NUMBER: HIGH COURT TWO (2)  
CASE NUMBER: FCT/HC/M/7523/2020  
DATE: 16<sup>TH</sup> JULY, 2020**

**BETWEEN:**

**ZEY MOTORS LIMITED - CLAIMANT/RESPONDENT**

**AND**

<b>1. THE HON. MINISTER F.C.T. 2. F.C.D.A. 3. CARPUS TECHNOLOGY &amp; CONSULTING 4. MAJOR GEN. LAWRENCE ONOJA (RTD) 5. SUNDAY NWAFOR&amp; SONS LIMITED</b>	}	<b>DEFENDANTS/RESPONDENTS  DEFENDANT/APPLICANT</b>
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Parties absent.

Emmanuel E. Ukeagbu for the Claimant/Respondent.

Philips Yaor for the 5<sup>th</sup> Defendant.

Claimant's Counsel – The 1<sup>st</sup> and 2<sup>nd</sup> Defendants call me and told me that he will not be in court today.

The matter is slated for ruling on the application of 5<sup>th</sup> Defendant.

## **R U L I N G**

This ruling is predicated upon an application brought by the 5<sup>th</sup> Defendant/Applicant in this suit by way of Motion on Notice pursuant to Section 6(6) and 36 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), Order 42 Rule 1(1), (2) and Order 43 Rule 1 (1) & (2) of the Rules of this Court 2018 and

under the inherent jurisdiction of this court praying for the following orders:

1. An Order of Interlocutory injunction restraining the Claimant/Respondent, Defendants/Respondents either by themselves, their agents, privies, assigns or servants or howsoever described from tampering with, entering or carrying out any activity on Plot 2075 Cadastral Zone F18, Dawaki, Abuja with File Number MISC 108764 (i.e.) the subject matter of this suit, pending the hearing and final determination of this suit.
2. And for such further orders as this Honourable Court may deem fit to make in the circumstances.

The application is premised upon the following grounds:

1. The 5<sup>th</sup> Defendant/Applicant is the beneficial owner of the plot of land known and situate as Plot 2075 Cadastral Zone F18, Dawaki, Abuja with File Number MISC 108764.
2. That the staffs of the Applicant discovered that construction was going on on the said land.
3. That in a bid to stop those building on the land, they were seriously beaten which lead to them being hospitalized.
4. An Order of this Honourable Court is required by the 5<sup>th</sup> Defendant/Applicant to restrain the Claimant/Respondent, Defendants/Respondents from any continuous act of trespass on the said land so as not to foist a situation of fait accompli on the 5<sup>th</sup> Defendant/Applicant and this Honourable Court.

The application is further supported by 10-paragraph affidavit in which it was deposed inter alia that the staff of the 5<sup>th</sup> Defendant/Applicant discovered that work was going on in the said disputed land. In a bid to stop the work, the staff of the 5<sup>th</sup> Defendant/Applicant were beaten which led to them being hospitalized.

It is further deposed in paragraph 3(a) of the affidavit in support that the incidence was reported to the Area Commandant, Nigeria Police Force, Kubwa and investigation is ongoing in the matter.

In the written address filed in support of the application, the learned counsel for the 5<sup>th</sup> Defendant/Applicant urged the court to grant the application as prayed.

When served with the Motion on Notice, the Claimant/Respondent filed 17-paragraph counter affidavit and a written address.

In paragraph 5 and 9 of the said counter affidavit, the Claimant denied that there is building construction going on the subject matter of this suit and denied that any staff of the 5<sup>th</sup> Defendant/Applicant was beaten.

In his written submission filed in support of the counter affidavit, the learned counsel for the Claimant/Respondent urged the court to refuse the application.

After a careful consideration of affidavit in support of the application and the counter affidavit filed by the

Claimant/Respondent, the court observed there are conflicting averments therein. In order to resolve same the court once again moved to the locus en quo on the 14/7/2020.

When the court visited the site on the 14/7/2020, it was observed that no new development was in place as per what was shown to the court on its first visit to locus en quo on the 26/2/2020 is concern.

In the circumstance, I do not think it is appropriate to make another order asking the parties to maintain status quo as same order was made by the court on the 4/3/2020. I stressed that the parties in the matter comply with that order.

The said court order of 4/3/2020 is hereby reproduced herein under:

***“On the part of the court after listening carefully to the submission of the learned counsel on both sides and considering the observation made by the court on its visit to the property in issue is of the considered view that the proper order to make it:***

- 1. Restrained all parties involved in this matter from putting any structure thereon pending the final determination of the matter.***
- 2. The Claimant/Respondent is also restrained from doing anything inside the block moulding business which this court observed in its visit to the land was ongoing and said to be in place since 2008.***

**3. Furthermore I order for accelerated hearing of the suit. In this regard each party is hereby granted 2 adjournments to present its case.**

**4. I order the Registrar of this court to visit the property from time to time to observe the compliance of the court order.**

**(Sgd)  
Justice Salisu Garba  
(Presiding Judge)  
04/03/2020”**

As regard to the alleged beating of the 5<sup>th</sup> Defendant/Applicant staff by the Claimant's staff, I will allow the Area Commander Nigeria Police Force, Kubwa to investigate the matter and take appropriate action.

**(Sgd)  
JUSTICE SALISU GARBA  
(PRESIDING JUDGE)  
16/07/2020**

Claimant's Counsel – In view of this ruling of the court just delivered, it is obvious the application was uncalled for.

We wasted energy, time and resources in responding to it. In the circumstance, we shall be asking for cost of N100,000.00 only.

5<sup>th</sup> Defendant/Applicant's Counsel – We will not be conceding to any cost. The staff of the 5<sup>th</sup> Defendant were beaten and hospitalized. The matter is still being investigated by the police.

Court – After listening carefully to the application for cost by the Claimant's counsel and the reply by the 5<sup>th</sup> Defendant's counsel not conceding to any cost, I am in one with the 5<sup>th</sup> Defendant's

counsel that since the matter is being investigated by the Nigeria Police Force, it should be allowed to do its work before making any further order in the matter.

The application for cost is hereby refused.

Case adjourned to 15<sup>th</sup> and 16<sup>th</sup> October, 2020 for definite hearing. I order that the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendants be served with hearing notices.

**(Sgd)**  
**JUSTICE SALISU GARBA**  
**(PRESIDING JUDGE)**  
**16/07/2020**