

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT APO

**CLERK: CHARITY
COURT NO. 15**

SUIT NO: FCT/HC/M/11551/20

DATE: 2 -12- 2020

BETWEEN:

ALHAJI IBRAHIM KAMBA.....CLAIMANT/APPLICANT

AND

- 1. THE MIN. OF FED. CAPITAL TERRITORY**
- 2. ABUJA MUNICIPAL METROPOLITAN COUNCIL**
- 3. GODWIN BOYODEFENDANTS**

RULING

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

This motion ex-parte - M/11551/20 at the instant of the Claimant in the case prayed in this Court essentially for an order of interim injunction restraining the Defendant/Respondent, their agents, privies, servants or anybody claiming through him from further trespassing, entry or **demolish** the property known as Plot No. 383, File No: GG Cadastral Zone BO5, Utako District.

In support is a 26 paragraphed affidavit sworn to by the applicant himself. The affidavit was attached to it Exhibit A - F. Furthermore, in support is an affidavit of urgency deposed to by the learned counsel to the applicant - Smart **Ukpanah**Esq. It is of 8 - paragraphs and no document attached.

A few minutes ago, learned counsel – Smart **Ukpanah** moved the application *brevimanu*. He adopted the written address as his argument in **support**.

I have adverted to the contents of the two affidavits, i.e. affidavit in support of the motion and the affidavit of urgency **and** all the Exhibits attached. I also perused the contents of the written address of the learned counsel. I am particularly fixed to paragraph 14 of the supporting affidavit and Exhibit E attached to the affidavit.

paragraph 14 reads:

“the claimant asserts that during the demolition of the fence by the officers of the 2nd Defendants, the claimant took some pictures of the demolition with his phone.....”

Earlier in paragraph 13, the deponent deposed to the fact that the claimant’s fence of the building was demolished leaving the building exposed to insecurity. The paragraph 13 & 14 were backed up by the Exhibit E which is the pictures showing the demolished parts of the fence.

Now, I am mindful of the principles guiding the exercise of the Court’s discretion in securing an order of interim injunction. There must inter alia serious legal issues involved, balance of convenience, inadequacies of damages etc. There must be fact of imminence danger **to the res** with the above principle in mind, I am satisfied that based on paragraphs 10-25 of the supporting affidavits and particularly Exhibit E, there is a serious imminent danger of demolition of the entire building or the res.

It is for the above reason that I find merit in this application and the prayers is therefore granted.

It is to be noted that I am satisfied and convinced that due to the pendency of the Motion on Notice – M/11552) 20 asking for the same prayer in an interlocutory form, this order of interim injunction is **apt** and appropriate. Therefore, this order of interim injunction is to last 7 days only at the expiration of which the interim injunction shall abate whether or not is pronounced by this Court.

Finally, this case is adjourned 10/12/20 for the motion on notice M/11552/20 to be taken.

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S. B. Belgore
(Judge) 2-12-20