

IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO

CLERK: CHARITY
COURT NO. 15

SUIT NO: FCT/HC/M/257/2021
DATE: 22/02/2021

BETWEEN:

TEMPO ENERGY NIGERIA LIMITED.....PLAINTIFF

AND

- 1. AITEO EASTERN E & P COMPANY LIMITED**
- 2. AFRICA FINANCE CORPORATION**
- 3. ECOBANK OF NIGERIA LIMITED**
- 4. FIRST BANK OF NIGERIA LIMITED**
- 5. GUARANTY TRUST BANK PLC**
- 6. FIDELITY BANK PLC**
- 7. SHELL WESTERN SUPPLY AND TRADING LIMITED**
- 8. SHELL INTERNATIONAL TRADING AND SHIPPING COMPANY LIMITED**
- 9. CITIBANK EUROPE PLC, U.K. BRANCH**
- 10.CITIBANK N.A. LONDON BRANCH**
- 11.FBN TRUSTEES LIMITED**
- 12.ZENITH TRUSTEES LIMITED**
- 13.FBN MERCHANT BANK LIMITED**
- 14.STERLING BANK PLC**
- 15.UNION BANK OF NIGERIA PLC**
- 16.ZENITH BANK PLC**
- 17.DAME ELIZABETH GLOSTER**

DEFENDANTS

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

A few minutes ago, it became apparent that the main application vide a Motion on notice Number M/258/2021 for interlocutory injunction cannot be taken today because the 2nd defendant was only served on 18-2-21. Meaning that the application is not wholly ripe for hearing.

Also, there are other pending applications to wit:

(1) One at the instance of 1st defendant. This one too is not ripe for hearing because the other parties were just served this morning in court.

(2) The one other application at the instance of 3-6, 11-16 defendants. This one is ripe for hearing but the application is similar to one filed by the 1st defendant.

It is for the above situation or circumstances that has generated some heat.

The learned counsel for the 3th- 6th, 11th-16th Ikwuse SAN wants us to proceed with his application since it is ripe for hearing.

The learned counsel for the 2nd, 7th, 8th, 9th and 10th defendants- Mr. Aliyu aligned with Mr. Ikwuza. She has no objection to the application being taken now. The full arguments of the learned SAN and Mrs. Aliyu is on record and deemed incorporated here now.

On his part, Ogunwumiju, SAN, objected to taking the application in this case in piece meal. He applies for a consolidation and cited the cases of **OMONUWA** (supra), **OKOBI** (supra) and Effiong vs Iron-bar (supra).

His full arguments are on record and deemed incorporated in this Ruling.

Mr. Ikpeazu SAN was similarly inclined. He agreed that in view of the similarity of their own application with 3rd- 6th, 11th- 16th defendants' application, it is better to consolidate and deliver one ruling. His full arguments are also on record and need not be repeated herein.

I have considered the submissions of all counsel in this simple application. It is my honest view, that it is not only fair in the

interest of Justice to all the applications that are pending together but it is neater, convenient and accord with recent Judicial authority to do so.

Happily, the learned Silk for 3rd-6th, 11th-16th alluded to the same reasoning but from the circumstances that the interim order was meant to last till hearing of this motion on notice for interlocutory injunction which slated for today, he wants their application to be heard today. But I do not, with due respect to him, think he has any reason to feel uncomfortable with the situation we have all find ourselves in this case.

I must remind ourselves, that we fixed today for hearing to enable all parties including those abroad to be served. This court has envisaged that there may be problem of service outside Jurisdiction. And fortunately, now, all the parties have been served. Only one party i.e. 2nd defendant was served less than 7 days ago was served recent. So, if not for the pendency of the 1st defendant's application which was served on other

parties this morning this application would all have been ripe for hearing in a matter of 2 or 3 days.

Now, what is the option open to this court now in the interest of Justice to all parties? My quick answer is to adjourn and come to take all the application at a go. My reason is that if I take the application of the 3rd-6th, 11th-16th defendants and I consequently find merit in it, I would then have shut the door permanently on the claimant/applicant's application by interlocutory injunction that would not be fair and it would amount to them not been heard.

If on the other hand, I find no merit in the application of 3rd- 6th, 11th - 16th defendants, it means I will come back to take a similar application and the main application of 1st defendant and claimant respectively. Precious time would have been wasted in this type of piece meal approach. So, on the issue of the interim order I granted earlier, I had indicated in that order that it would last pending the hearing of the motion on notice.

In effect therefore, I adjourned this case to another day for all the pending applications to be taken.

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S. B. Belgore
(Judge) 22-2-21