

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT MAITAMA (VACATION COURT) ABUJA.**

**CLERK: CHARITY ONUZULIKE  
COURT NO. 10**

**SUIT NO: FCT/HC/CV/2448/22**

**BETWEEN:**

- |  |   |                   |
|--|---|-------------------|
| <ol style="list-style-type: none"><li><b>1. HALILU YUSUF</b><br/>(suing through his Attorney: Abdullahi Ahmed)</li><li><b>2. ABDULLAHI AHMED</b></li></ol> | } | <b>PLAINTIFFS</b> |
|--|---|-------------------|

**AND**

- |   |   |                   |
|---|---|-------------------|
| <ol style="list-style-type: none"><li><b>1. MINISTER OF THE FEDERAL CAPITAL TERRITORY</b></li><li><b>2. FEDERAL CAPITAL DEVELOPMENT AUTHORITY</b></li><li><b>3. THE COMMISSIONER OF POLICE OF THE FCT</b></li></ol> | } | <b>DEFENDANTS</b> |
|---|---|-------------------|

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

This application vide Motion *Ex-parte* number M/9455/22 prayed for the following reliefs:

- 1. An Order of Interim Injunction to restrain the Defendants/Respondents their privies, servants and or agents from denying and disturbing the Plaintiffs possession of House No. 15, Haile Selassie Street, Asokoro Abuja, pending the determination of the Motion on Notice seeking an Interlocutory Injunctions.**
- 2. And for such further or other orders as this Court may deem fit to make in the circumstance.**

It is brought pursuant to Order 43 Rule 1 and Order 42 Rule 1 of the Rules of this Court.

In support is a 20-paragraphs affidavit deposed to by one Abdullahi Ahmed, the 2<sup>nd</sup> Claimant/Applicant. And in line with the provisions of our Rule, there is also a written address. There are two Exhibits attached to the affidavits. The Exhibits are the Motion on Notice and the Writ of Summons.

A few minutes ago, Mr. Innocent Lagi of Counsel to the applicants moved the application summarily. He referred to all the processes filed and adopted the written address as his argument and urged me to grant the application as prayed.

I have considered the application. This is an application asking for an order of interim injunction. The law is settled in this area as to the hurdles the applicant must cross in order to have a favour decision in this area. The hurdles are:

- (1) Triable issue
- (2) Legal right
- (3) Balance of Convenience
- (4) Undertaking as to damages or compensation or indemnity
- (5) Inadequacies of damages

See the cases of **OBEYA MEMORIAL HOSPITAL VS. ATTORNEY – GENERAL OF THE FEDERATION; KOTOYE VS. CBN (1998) NWLR )PT. 98) 41.**

From the content of the affidavit evidence placed before me, it is my humble view that the hurdles are safely crossed. That is: The fact of Writ of Summons and the Motion on Notice in Court shows there are triable issues; paragraph 9 of the affidavit says the 1<sup>st</sup> applicant is the lawful purchaser and owner of the ‘res’. That equate legal rights that must be protected; Balance of Convenience in my view weighs heavily in favour of granting this application in view of the deposition in paragraphs 10, and 11, 13, 14 and 15 of the supporting affidavits; paragraph 18 has the deposition as to undertaking to pay damages.

It is for all the foregone that I find merit in this application and it is hereby granted as prayed.

This case is adjourned to 8/8/2022 for the Motion on Notice M/9454/22 to be taken.

Signed  
**Suleiman Belgore**  
(Judge) 28/7/22