

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT GARKI, ABUJA - FCT**

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

**SUIT NO: FCT/HC/GAR/CV/28/2022  
M/51/2022  
DATE: 5/12/2022**

**BETWEEN:**

**SOLOMON AGBATAEKWE-RICHMOND, ESQ..... CLAIMANT/  
APPLICANT**

**AND:**

**1. MT. AUTOS LIMITED  
2. MR. MUSTAPHA TIJANI  
3. COSGROVE INVESTMENT LIMITED  
4. PERSON UNKNOWN** } **DEFENDANTS/RESPONDENTS**

**RULING**

**(DELIVERED BY HON. JUSTICE SULEIMAN B. BELGORE)**

In this *Ex-parte application* M/51/2022 that is dated 2<sup>nd</sup> December, 2022 and filed same day therein contained three (3) principal reliefs or Orders to wit:

1. **AN ORDER** of Mareva injunction restraining the Respondents by themselves individually and/or, collectively, by their agents, successors-in-title, assigns, legal representatives, privies, proxies, officers, directors or liquidators howsoever named or described from entering into, trespassing, disturbing, taking possession of, alienating, disposing, transferring, dealing with or otherwise interfering in any manner whatsoever with the subject property/res of this Suit described as 1 (One) unit of 5 (Five) Bedroom Fully Detached Duplex lying and situate at No. 1 Madhur Tripathi Close, CDM 508, Cosgrove Smart Estate, Mabushi District, Abuja, Federal Capital Territory in the

possession of the Claimant/Applicant pending the hearing and determination of the suit.

2. **AN ORDER OF INTERIM INJUNCTION** maintaining the *status quo ante* Land Lord-Tenant relationship under Tenancy/Lease between the 1st Defendant/Respondent and the Claimant/Applicant as valid and subsisting, with the Claimant/Applicant to retain an unfettered right of peaceful and quiet possession of the subject property of this application pending the hearing and determination of the suit.
3. **AN ORDER** mandating that the Orders of Injunction made in reliefs No. 1 and 2 above shall not abate until the hearing and determination of the suit.

The application is brought pursuant to Section 6(6), (a) and (b) of the 1999 Constitution (as amended), Order 7 Rule 11 (2), (b) and (e), Order 42 Rule 4 (1) of the Rules of this Court and under the Inherent Jurisdiction of the Court.

In support are two affidavits sworn to by one Justin Neudrell Chuks a Litigation Secretary in the law office of Richmond and Brougham, representing the Claimant/Applicant.

The first affidavit is the main affidavit in support of this *ex-parte* Motion while the second one is affidavit of extreme urgency. While the main affidavit has 49 paragraphs, that of extreme urgency contained 4 paragraphs.

Also, in support is 11 annexures attached and a written address.

Moving this application in Court, Mr. Festus Obinna Ugoh relied on all the two affidavits and the depositions contained therein, the annexures and he equally adopted the written address as his oral argument in praying the Court to grant his application.

I have considered this *ex-parte* application together with the two affidavits in support, the annexures and the written address. In an application for Mareva Injunction, the Applicant has the burden to establish by relevant and cogent facts in the supporting affidavit all of the following to wit:

- (a) He has an action against the defendant within jurisdiction;
- (b) He has a good arguable case;
- (c) The defendant has assets within jurisdiction and must give the particulars of such assets;
- (d) There is a real and imminent danger that the defendant will remove the assets from jurisdiction and thereby render nugatory and judgment which the plaintiff may obtain;
- (e) He must give a full and frank disclosure of all material facts relevant to the application;
- (f) He must show that the balance of convenience is on his side and lastly
- (g) He must be prepared to give an undertaking as to damages. See **HALADU VS. ACCESS BANK (2021) LPELR-54553 (CA)**.

If he fails to satisfy the Court in any of these preconditions for a grant of a Mareva injunction, it ought not to be granted. The above hurdles as stated by the Court are cumulative and where any of the hurdles is not crossed it will be inutile that the other conditions were met.

It is pertinent at this juncture to restate the reasoning behind the Courts granting the Order of Mareva Injunction as stated by Lord Denning, MR in the MAREVA COMPAGNIA NAVERIA S.A. case:

***“If it appears that the debt is due and owing and there is a danger that the debtor may dispose of his assets so as to defeat it before Judgment, the Court has jurisdiction in a proper case to grant an interlocutory so as to preserve him disposing of those assets”***

The second precondition as postulated in **SOTUMINU**’s case is

***“that there is a real and imminent risk of the defendant removing his assets from jurisdiction and thereby rendering nugatory any judgment which the Plaintiff may obtain”***. See **A.I.C. LTD VS. EDO STATE GOV. & ANOR (2016) LPELR-40132 (CA)**.

The applicant in the instant Motion has fulfilled all the prerequisite, I mean he has crossed all the hurdles as he has furnished the Court with all the facts relevant, sufficient and particular enough to warrant the Court to exercise its favourable discretion in favour of granting this application.

Going by the two affidavits in support, exhibits attached, it is not in doubt that the applicant has come with clean hands to be entitled to this equitable remedy.

Without rigmaroling and in effect therefore, this application is hereby granted as prayed.

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**S. B. Belgore**  
(Judge) 5/12/22

