

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

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

**SUIT NO: FCT/HC/GAR/CV/84/23**  
**DATE: 26/1/23**

**BETWEEN:**

1. EZE CHUKWUBE
2. OGOLA ENOGENYI ONAZI

} **PLAINTIFFS/APPLICANTS**

**AND**

**PERSON UNKNOWN..... DEFENDANT/RESPONDENT**

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

This application vide a Motion **M/164/2023** prayed for two (2) principal reliefs:

1. **AN ORDER** of interim injunction restraining the Defendant, his agents, servants, privies or anyone deriving authority from him howsoever described from developing and or carrying out any further act of development or construction of any manner howsoever described on Plot 222, Lugbe 1 Extension layout, Lugbe Abuja pending determination of the Motion on Notice already filed in this case.
2. **LEAVE OF COURT** to serve the writ of summons and other processes in this case on the Defendant/Respondent by pasting them on the perimeter fence on Plot 222, Lugbe 1 Extension layout, Lugbe Abuja and to deem it as proper service on the defendant/respondent.

In support is 21-paragraphs affidavit in support and a 5-paragraphs affidavit of urgency. The application dated 20/1/23 and filed same day is predicated on Order 43 Rule 1 and 2 and Order 7 of the Rules of this Court. The supporting affidavits has in support Exhibits A – G and there is also a written address.

A short while ago, learned Counsel to the Plaintiff/Applicants Mr. Adekola Mustapha SAN move the application *brevi manu*. I have considered the application vis-à-vis the potent facts in paragraphs 5 – 21 of the supporting affidavit and the Exhibits attached thereto. I have also adverted to the lucid argument of Counsel to the applicants in paragraphs 9, 11, 12, 13, 14, 15, 16 and 17 of his written address. Three cases of **KOTOYE VS. CBN (1989) 1 NWLR (PT. 247) 266; OBEYA MEMORIAL HOSPITAL VS. AG FEDERATION (1987) 3 NWLR (PT. 60) 323** among others are very apt and germane to the consideration of this case. I find the relevant and all the guidelines or principles enumerated therein are present in this Court. That is, legal rights, serious issues, balance of convenience, undertaking to pay damages etc. See paragraphs 5 – 18 of the supporting affidavits.

In effect therefore, I found merit in this application and it is therefore granted as prayed. For avoidance of doubt, it is therefore ordered as follows:

1. **AN ORDER** of interim injunction restraining the Defendant, his agents, servants, privies or anyone deriving authority from him howsoever described from developing and or carrying out any further act of development or construction of any manner howsoever described on Plot 222, Lugbe 1 Extension layout, Lugbe Abuja pending determination of the Motion on Notice already filed in this case.
2. **LEAVE OF COURT** to serve the writ of summons and other processes in this case on the Defendant/Respondent by pasting them on the perimeter fence on Plot 222, Lugbe 1 Extension layout, Lugbe Abuja and to deem it as proper service on the defendant/respondent.

3. This case is adjourned to **1/2/2023** for the Motion on Notice – **M/165/2023** to be taken.
4. This Order is made pursuant to **Order 43 Rule 1 and 2 and Order 7 Rule 11** of the FCT High Court (Civil Procedure) Rules, 2018.

SIGNED

**S. B. Belgore**

(Judge) 26/1/2023