

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA ON THE 16TH APRIL, 2024

BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE

SUIT NO. FCT/HC/CV/1756/21

COURT CLERK: JOSEPH BALAMI ISHAKU.

BETWEEN:

**HON. OSITA OPARA.....CLAIMANT
AND**

- | | |
|---|------------------|
| 1. THE INCORPORATED TRUSTEES OF
DEEPER LIFE BIBLE CHURCH | }.....DEFENDANTS |
| 2. CHIEF CHIKWE UDENSI | |

RULING

I have read the Affidavit of the 2nd Defendant/Deponent. The 2nd Defendant is dissatisfied with the Ruling of this Court. He has filed a Notice of Appeal. Record of Appeal has been compiled transmitted to the Court of Appeal. The forwarding letter to the Court of Appeal was received and acknowledged. The letter is Exhibit A. The Appeal number is before the Court.

By Order 61 Rule 2 of the Rules of Court, what the Applicant should do is to pay for the compilation of the records within 14 days from the date of filing the Notice of Appeal. The Applicant has gone ahead to transmit records and obtained an appeal number.

I have also read the Claimant's Counter Affidavit. The issues raised therein can properly be raised in the Court of Appeal i.e that the Notice of Appeal is invalid, and there is no triable issue etc. There cannot be two captains in a ship. Appeal has entered. The Court of Appeal is now seised of the matter.

The application has merit. It succeeds. This matter is adjourned sine die pending the hearing and determination of the 2nd Defendant's Appeal.

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HON. JUSTICE U.P. KEKEMEKE, ACIArb (UK), FICMC
(HON. JUDGE)
16/04/24