

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT COURT NO. 4, MAITAMA ON THE**  
**21<sup>ST</sup> DAY OF FEBRUARY, 2023**

**BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE**

**SUIT NO. FCT/HC/CV/523/2022**  
**MOTION NO. M/1701/2022**

COURT CLERKS: *JOSEPH ISHAKU BALAMI & ORS.*

**BETWEEN:**

1. MR. GEORGE AMUTA } ..... CLAIMANTS/APPLICANTS  
2. MRS. MABEL AMUTA }

**AND**

**WINIFRED MEMSHIMA NAMBATIV ..... DEFENDANT/RESPONDENT**

**RULING**

The Claimants/Applicants' application is praying this Court for an Order of interlocutory injunction restraining the Defendant/Respondent, her agents, privies, assigns from further broadcasting and or sending (free cross-platform messaging service known as Whatsapp) messages to persons in a bid to injure the Claimants' character, credit reputation and bring them into public

scandal, odium and contempt pending the hearing of the substantive suit.

And for such Order or further Orders as the Court may deem fit to make in the circumstances.

Learned Claimants' Counsel rely on the 25-paragraph Affidavit filed in support.

I have read the Affidavit filed in support and exhibits. The Claimants and the Defendant were members of a local assembly. They had transacted business together before.

That Defendant had misunderstanding with the Presiding Bishop of the Church and left. That Defendant started sending Whatsapp messages disparaging them, such as *“Una use my money complete una house for Brick-city, now you dey run kiti-kiti kete-kete in desperation and chronic bitterness to kill me. As pastor shariff wan use una do him dirty work behind the scene...”*

To George Amuta

*“So this chronic wife beater and chronic womanizer, that has been jobless house boy-husband for donkey years, is desperate to kill me.” etc.*

That the messages are actionable. They petitioned the Defendant to the Commissioner of Police, FCT Command. That Defendant did not stop. That the said messages are libelous.

That Claimants are not criminals, killers, drunkards and useless. That the said Whatsapp messages have rendered the goodwill, longstanding and hard earned reputation of no effect.

That several persons are now seeing them as fraudulent people. That they will suffer irreparable loss. That the balance of convenience is in their favour. That Defendant will not be prejudiced.

The Defendant relied on a Counter Affidavit dated and sworn to by Defendant on 13/02/2023. This application was served on the Defendant on 16/01/2023. The Counter Affidavit was filed more than three (3) weeks after the application was served on her.

By Order 43 (3) of the Rules of Court, where the other party intends to oppose the application, she shall within seven (7) days of the service on her file a Written Address and may accompany it with a Counter Affidavit. The Defendant's processes were filed out of time.

Nevertheless, I have read the said Counter Affidavit. It did not controvert the facts in the Affidavit in support. The parties have submitted themselves to the jurisdiction of this Court.

The Claimants have canvassed that they have a legal right which is being threatened. That damages cannot be an adequate compensation. That the balance of convenience is in their favour. That there is a serious question to be tried.

The main and crucial purpose of granting an injunction is to mitigate the risk of injustice the Claimant will suffer during the period when the uncertainty over the violation of his legal right could be resolved.

For the second time, I am not going into the substantive matter yet. It is important that the *status quo* be maintained. The application therefore succeeds.

An Order of interlocutory injunction is hereby issued restraining the Defendant, her agents, privies, servants and assigns from further broadcasting and or sending Whatsapp messages to persons in a bid to injure the Claimants' character, credit, reputation and bring them into public scandal, odium and contempt pending the hearing and determination of the substantive suit.

---

**HON. JUSTICE U. P. KEKEMEKE**  
(HON. JUDGE)  
21/02/2023

Claimants present.

Defendant present.

Henry O. Chichi, Esq. with Henry E. Okusuwha, Esq. for  
the Claimants/Applicants.

Adah Usman, Esq. with my learned friend, Abdulmumuni  
Abdullahi Sani, Esq. for the Defendant/  
Respondent.

**COURT:** Ruling delivered.

(Signed)  
**HON. JUDGE**  
21/02/2023