

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT GARKI COURT 10, FCT, ABUJA  
BEFORE HIS LORDSHIP: HON. JUSTICE S. B. BELGORE**

**SUIT NO: FCT/HC/GAR/CV/84/2023**

**DATE: 21/05/2024**

**BETWEEN:**

<b>1. EZE CHUKWUBE 2. OGOLA ENOGENYI ONAZI</b>	}	<b>PLAINTIFFS/APPLICANTS</b>
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**AND**

<b>1. INCORPORATED TRUSTEES OF ALL CHRISTIAN FELLOWSHIP CHURCH LUGBE 2. AUSTIN AIKE</b>	}	<b>DEFENDANTS/RESPONDENTS</b>
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**RULING**  
**(DELIVERED BY HON. JUSTICE S. B. BELGORE)**

This application prayed for 2 principal reliefs;

1. An Order of this Honourable Court striking out Suit No. FCT/HC/GAR/CV/84/2023 BETWEEN EZE CHUKWUBE & 1 OR VS. INCORPORATED TRUSTEES OF ALL CHRISTIAN CHURCH LUGBE & 1 OR for want of diligent prosecution and abandonment of the case for over 1 (one) year.

2. An Order of this Honourable Court vacating and setting aside the order of Interlocutory Injunction made on the 24<sup>th</sup> February, 2023 maintaining the status quo pending the determination of the substantive suit, the Claimant haven abandoned the hearing of the case.

In support is 3 paragraph affidavit and a written address. There are 5 grounds upon which this application is predicated.

A few minutes ago, Learned Counsel to the Applicants, Mr. E. B. Ochuma moved the application brevimanu. He referred to the affidavit filed as deposed to by one HauwaDanbauchi and went on to adopt the written address as the argument in support.

Learned Counsel finally urged me to grant the application.

In opposition to this Motion on Notice M/971/2024, the Claimant/Respondent vide a 9 paragraph affidavit with Mr. OlufemiBankole as the Defendant M. Ayopemi Esq. of Counsel to the Claimant/Respondent referred to the content of the Counter affidavit, relied on them and adopted the written address as his argument in objecting to the grant of this application. He finally urged me to refuse this application.

I have considered this application as summary as it was moved. I have taken note of paragraph 7 of the Counter affidavit from which there was no further and better affidavit at the instance of the applicants to obliterate the importance of it. It is basically on the strength of that deposition that I find merit in the opposition to this application.

This application is to my mind on this fact and the circumstance of this case lacking in merit and it is therefore refused. M/971/2024 is therefore dismissed.

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**S. B. Belgore**

(Judge) 21/05/2024