

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA AS (VACATION COURT) ABUJA

CLERK: CHARITY ONUZULIKE
COURT NO. 10

SUIT NO: FCT/HC/M/9611/22
DATE: 9/8/22

BETWEEN:

ANIYA PHARMACEUTICALS LTD..... APPLICANT

AND

MRS. DARA ISAH EVELYN & 1 OR.....RESPONDENT

RULING

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

This one-sided application vide a Motion *Ex-parte* M/9612/22 prayed for the following two principal reliefs:

- (1) **AN ORDER** to amend the name of the 1st Respondent to read MRS. MARYAM I. YUSUF.
- (2) **AN ORDER** of Interim Injunction restraining the Defendants/Respondents, their agents, privies, servants or anyone acting under their authority, them, sealing the business premises of the Plaintiff/Applicant, ANIYA PHARMACEUTICALS LTD situate at Bwari Area Council, Abuja, pending the hearing of the interlocutory application for injunction.
- (3) **AND** for such Order or further Orders as this Honourable Court may deem fit to make in the circumstance.

It is premised on the following four (4) grounds:

- (1) The order made against the Applicant was made without jurisdiction as the name is unknown to law.
- (2) The order made against the Applicant was made without fair hearing as the Applicant was never a party before the lower Court.
- (3) Except restrained the sealing of the Applicant's Factory would do great damage to its legitimate business of making water products.
- (4) Damages would not be enough to compensate the Applicant for the losses it would suffer if the Factory is sealed.

In support is a 19-paragraphs affidavit deposed to by one Bukola James Oluwasina. It is accompanied with 6 – Exhibits and we also filed a written address in support.

Some minutes ago, learned Counsel to the applicant – Mr. Anayo Adibe moved the application summarily. He relied on all the processes filed and adopted the written address as his argument. Learned Counsel urged me to grant the application.

I have considered this application. I am satisfied that on the strength of the affidavit evidence especially paragraphs 4 – 16 thereof and the written arguments of Counsel, I find merit in this application and it is therefore granted as prayed. For avoidance of doubts, it is hereby ordered as follows:

- (1) **AN ORDER** to amend the name of the 1st Respondent to read MRS. MARYAM I. YUSUF is hereby granted.
- (2) **AN ORDER** of Interim Injunction restraining the Defendants/Respondents, their agents, privies, servants or anyone acting under their authority, them, sealing the business premises of the Plaintiff/Applicant, ANIYA

PHARMACEUTICALS LTD situate at Bwari Area Council, Abuja, pending the hearing of the interlocutory application for injunction is hereby granted.

- (3) **AND** for such Order or further Orders as this Honourable Court may deem fit to make in the circumstance.

This case is adjourned to 22/8/2022 for the Motion on Notice – M/9611/22 to be taken.

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Suleiman Belgore
(Judge) 9/8/22