

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/CV/2615/22
M/9688/2022

BETWEEN:

CHARLES UDE ESQ.

(Practicing law in the name & style of Charles Ude & Co.).....CLAIMANT

AND

- | | | |
|--|---|-------------------|
| <ol style="list-style-type: none">1. PANIC ALERT SECURITY SYSTEMS LTD2. DR. GEORGE UBOH | } | DEFENDANTS |
|--|---|-------------------|

AND

1. UNITED BANK FOR AFRICA PLC
2. CENTRAL BANK OF NIGERIA (CBN)
3. DEBT MANAGEMENT OFFICE (DMO)

RULING

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

This one sided application vide a Motion *Exparte* number M/9688/2022 dated the 5/8/2022 and filed same day prayed this Court essentially for the following reliefs:

1. **AN ORDER** of this Honourable Court departing from the High Court of the Federal Capital Territory, Abuja Civil Procedure Rules, 2018 by setting this Suit down for hearing during the Annual vacation of this Honourable Court.

2. **AN ORDER** of this Honourable Court granting leave to the Claimant to bring this suit [and deem the already Writ of Summons properly filed] without the expiration of the one month period provided for under the Legal Practitioners Act.
3. **A MAREVA ORDER** of this Honourable Court freezing FORTHWITH ALL the monies in Defendants' Account Numbers: **1010440561** and **1015850558** domiciled in the United Bank for Africa PLC (UBA); Account Number **1012381963** in Zenith Bank AND any other bank account or accounts of the Defendants domiciled in any Bank (whatsoever named) operating within Nigeria linked by the **BNV 22240720902** of the Defendants PENDING the hearing and determination of the Motion on Notice.
4. **A MAREVA ORDER** of this Honourable Court attaching FORTHWITH ALL the monies in Account Number: **1025340285** domiciled in the UNITED BANK FOR AFRICA PLC and held in the name of MARYAM OLUSOLA AKANMODE, transferred from ACCOUNT NUMBER **1010440561** belonging to **PANIC ALERT SECURITY SYSTEMS LIMITED** on the 13th day of July, 2022 PENDING the hearing and determination of the Motion on Notice.
5. **AN ORDER OF THIS HONOURABLE COURT RESTRAINING** the 2nd and 3rd Respondents (including the Director-General of Debt Management Office, the Governor of the Central Bank of Nigeria or any other staff of the 2nd and 3rd Respondents) from co-operating with any person or institution (howsoever named or described) in giving effect to, discounting and or giving value to the under-listed Promissory Notes issued to the 1st Defendant or its Authorized agent **PENDING the hearing and determination** of the Motion on Notice filed herein. The said promissory notes are:

A. Reference: FGN/PN/JD/C.A/FX/2021/06D
Value: \$4,783,192.00
Date of Issue: September 27, 2021
Maturity Date: October 15, 2025
Pay to the order of: Panic Alert Security
System Limited

- B. Reference: FGN/PN/JD/C.A/FX/2021/06E
Value: \$4,783,192.00
Date of Issue: September 27, 2021
Maturity Date: October 15, 2026
Pay to the order of: Panic Alert Security System Limited
- C. Reference: FGN/PN/JD/C.A/FX/2021/06F
Value: \$4,783,192.00
Date of Issue: September 27, 2021
Maturity Date: October 15, 2027
Pay to the order of: Panic Alert Security System Limited
- D. Reference: FGN/PN/JD/C.A/FX/2021/06G
Value: \$4,783,192.00
Date of Issue: September 27, 2021
Maturity Date: October 15, 2028
Pay to the order of: Panic Alert Security System Limited
- E. Reference: FGN/PN/JD/C.A/FX/2021/06H
Value: \$4,783,192.00
Date of Issue: September 27, 2021
Maturity Date: October 15, 2029
Pay to the order of: Panic Alert Security System Limited
- F. Reference: FGN/PN/JD/C.A/FX/2021/06I
Value: \$4,783,192.00
Date of Issue: September 27, 2021
Maturity Date: October 15, 2030
Pay to the order of: Panic Alert Security System Limited
- G. Reference: FGN/PN/JD/C.A/FX/2021/06J
Value: \$4,783,192.00
Date of Issue: September 27, 2021
Maturity Date: October 15, 2031
Pay to the order of: Panic Alert Security System Limited

6. **AN ORDER OF COURT** granting the Claimant/Applicant leave to effect a substituted service of all the originating processes in this suit, inclusive of the ex-parte Order of this Court, on the 1st and 2nd

Defendants through any registered post or courier service operating within the jurisdiction of this honourable Court and for same to be deemed as proper services.

In support is a 27-paragraph affidavit of extreme urgency to which is attached 8 – Exhibits. The Exhibits are:

1. Is a letter of instruction/engagement dated the 27th day of September, 2017 and addressed to the Applicant.
2. Is a Certified True Copy of the Writ of Summons
3. A Copy of the Terms of Settlement dated the 29th day of March, 2019
4. A Certified True Copy of Consent Judgment of the Federal High Court entered on the 8th day of April, 2021
5. A Certified True Copy of the *Ex-parte* Mareva Order of the Court freezing all the monies in the Defendants' bank account in suit No: CV/2254/2022 Between 2B GLOBAL LIMITED AND PANIC ALERT SECURITY SYSTEMS LIMITED
6. A Certified True Copy of the Mareva Order of this Honourable Court (Enenche, J.) made on the 20th day of July, 2022
7. Copies of many correspondences exchanged between the Applicant and different Federal authorities regarding the recovery of the Defendants' monies.
8. Copies of the ten Promissory Notes

And the application is premised on 5-grounds. The affidavits is deposed to by the applicant himself Charles Udeh and there is a written address in support.

Just some minutes ago, the application was moved by the learned Counsel to the applicant – Mr. John-Mary Jideobi. He relied on all the

paragraphs of the affidavits in support including the Exhibits and adopted the written address as his arguments.

Learned Counsel finally urged me to grant the application.

I have taken the pain to consider this application vis-à-vis the depositions in the supporting affidavits and the written argument of Counsel. I am satisfied that this application premised on 7-grounds and brought pursuant to Order 7 Rule 11(2) (b) of the Rules of this Court has merit in it.

I sniffed through the paragraphs of the affidavits especially paragraph 4 – 23 thereof and agreed with the argument of the learned Counsel vide paragraph 2.01 – 2.09 of the written address that the applicant has placed a compelling, convincing and cogent reasons before this Court to be able to grant the reliefs sought and therefore advance the interest of justice so as to secure the expeditious hearing and disposal of this suit. See Order 42 Rule 1 and 2 of the Rules of this Court; **AIC LTD VS. NNPC (2005) LPELR – (SC) 237/2001; CHEVRON NIG. LTD VS. NWUCHE & ORS. (2016) NGCA 101; and SOTIMEHIN VS. OCEAN STEAMSHIP (NIG) LTD (1992) 5 NWLR (PT. 239) 75.**

Finally, on the strength of the foregoing particularly the paragraphs of the affidavit in support, the Exhibits attached and the written argument of Counsel, this application is granted as prayed. Save only that the Interim Order shall be in force pending the hearing of the Motion on Notice – M/9689/22 which is now fixed for 18/8/2022.

Signed
Suleiman Belgore
(Judge) 9/8/22