

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION (APPELLATE DIVISION)
HOLDEN AT COURT 10, GARKI, ABUJA

BEFORE THEIR LORDSHIPS:

HON. JUSTICE S. B. BELGORE (PRESIDING JUDGE)

HON. JUSTICE M. B. IDRIS (HON. JUDGE)

CLERKS:

(1) GBENGA FATADE

(2) PRECIOUS DIKE

SUIT NO: CR/94/2022

CRA/02/2023

DATE: 2/6/2023

BETWEEN:

MR. EDET GODWIN ETIM.....APPELLANT

AND

PASTOR UMO BASSEY ENO.....RESPONDENT

RULING

A few minutes ago, learned Counsel to the Respondent - Paul Usoro SAN – informed the Court in substance of the Motion on Notice – M/183/2023 which they filed yesterday 1/6/2023. The learned Silk made an explanation of why they did not file on the appellant the consequence of which was the service on the Mr. Ayinla Salman Jawondo SAN of Counsel to the Appellant in Court today in the glare of our view.

Learned Silk of the Respondent then asked for an adjournment to enable their Motion to be taken.

In a prompt Response, Mr. Jawondo SAN cleverly objected to the application for adjournment. He posited that since the business of

today is the resolution of conflicts in the filed affidavits by both parties, that proceeding should continue while the instant Motion M/181/2023 can be taken along with the appeal proper on the next adjourned date.

In a short response, Mr. P. Usoro SAN in turn objected to this and read a portion of **Section 308 of the 1999 Constitution (as amended)** and placed reliance upon it.

We have considered all the above simple submission. It is our firm view, that the Motion M/181/2023, upon a glance through challenges the jurisdiction of this appeal panel to continue sitting over this appeal in view of the provision of **Section 308 of the 1999 Constitution (as amended)**.

That being the case, is it then proper to do anything further in this appeal with the Motion staring us in the face? Our answer is in the negative. We say this because, God forbid, that we should act in vain. What happens we ask, if we go through the whole log and crucibles of resolution of affidavits by taking witness (how many we don't know yet), delivered a ruling whether bench or considered after an adjournment, and the discovered after taking Motion M/181/23 that we have no jurisdiction to continue? Then it would have been obvious that we had embarked on an exercise in futility. That kind of scenario can be avoided by a short adjournment to allow the learned Counsel to appellant, Jawondo SAN, to react to the Motion.

The pith and substance of everything we are saying is that we have to be cautious, and avoid a situation of rush justice in order not to crush justice.

Mr. Jawondo SAN would do well with respect to him to quickly study M/181/2023, and react to it as appropriate.

In conclusion, this case stand adjourned to enable the appellants Counsel react to the process served on them this morning and to enable this Court consider that Motion as considered fit.

HON. JUSTICE S. B. BELGORE
Presiding Judge 2/06/2023

HON. JUSTICE M. B. IDRIS
(Hon. Judge) 2/06/2023