

IN THE HIGH COURT OF JUSTICE
FEDERAL CAPITAL TERRITORY OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO – ABUJA
ON, 23RD DAY OF SEPTEMBER, 2021.
BEFORE HIS LORDSHIP:- HON. JUSTICE A. O. OTALUKA.

SUIT NO.:-FCT/HC/CV/1014/17
MOTION NO.:-FCT/HC/M/3732/21

BETWEEN:

HAJIYA MARYAM MOHAMMED UMAR:...CLAIMANT/APPLICANT

AND

- 1. ECONOMIC AND FINANCIAL
CRIMES COMMISSION.**
- 2. MRSPHILOMENA**
- 3. MR FELIX AGBO**
- 4. INSPECTOR-GENERAL OF POLICE**
- 5. RANTI ANIFOWOSE**
- 6. S&M ESSENTIAL UNITS & COMPANY**
- 7. USMAN MUHAMMAD**
- 8. FEMI SHOLA**
- 9. MR. GENGA**
- 10. IBRAHIM LAW**

**:.....DEFENDANTS/
RESPONDENTS**

Christopher Alashi with BarnabasTafa for Claimant/Applicant.

Musa J. Haruna with Juliet Odoh andMrs.PatrichOghagbonfor the 5th Defendant.

Josiah H. Daniel Ebume with AbimbolaOlowoSegun andSerahAvrefor 6th
Defendant/Counter-Claimant.

Ore Olugbenga for 7th Defendant.

All other Defendants absent but properly served with hearing notice.

RULING.

On the 16th day of July, 2021 when this matter came up for adoption of final written addresses, the Claimant/Applicant moved motion No. M/3732/2021 praying for the order of Court extending time within which to file her final written address.

After moving the said motion, learned 6th Defendant's counsel in objecting to the motion, orally.Informed the Court that he filed

an affidavit of disobedience to order of Court as to cost regarding the Claimant/Applicant.

He submitted that in view of the contemptuous disposition of the Claimant to the Court, she will not be allowed to have her application heard and ruled on.

Replying to the objection, learned Claimant's counsel contended that failure to pay cost does not amount to contempt. That a mere order for cost is enforceable by ordering execution. He further told the Court that he had filed Motion No. M/4568/21 challenging the jurisdiction of the Court to grant the order for cost.

The learned 6th Defendant's counsel went on to argue that the Applicant is not entitled to rely on Motion No. M/4568/21 as the said motion was not ripe for hearing and neither did it comply with the rules of Court, particularly Order 43 Rule (1) (3) (6), Order 32 Rules 5(3) and Order 49 Rules (1) (4) & (5) of the Rules of this Court. Also, that the said Motion was filed out of time, without endorsing the relief for extension of time on same.

It is important to note that Motion No. M/4568/21 has not been moved by the Applicant, therefore, the objections raised to same by learned 6th Respondent's counsel are premature.

The issue for consideration here is **whether the Claimant/Applicant can be given audience by this Court to have the Motion No. M/3732/21 and other subsequent motions heard and determined in the face of her disobedience to the order of this Court?**

The contention of the Claimant's counsel is that since the said order of Court is in respect of cost, that the disobedience thereto does not amount to contempt of Court. This contention

by learned Claimant's counsel is not only absurd, but also unfounded in law.

It is not for a party to pick and choose which order of Court to obey. Speaking on the imperative of obedience to orders of Court, Honourable Justice Achike, JSC, had this to say in **Babatunde & Ors v. Olatunde & Anor (2000) LPELR-697(SC)**:

“Matters appertaining to judicial orders or judgments, for that matter, are not generally treated with arrogance or levity. Speaking for myself, it is rather officious and treading on a perilous path for one to arrogate to oneself the right to choose and pick between Court orders in terms of whether they are valid or null and void. In fact, since there is a strong presumption in favour of the validity of a court's order, it behoves everyone to keep faith with the order of court. It makes no difference that ex-facie it appears that the court that made the order is without jurisdiction because at the end of the day, an order of the court subsists and must be obeyed until set aside by a court of competent jurisdiction. To, therefore, disobey an order of the court on the fancied belief that the said order is null for any reason whatsoever – even if it subsequently turns out that the order in fact is proved to be null – is a risky and unadvisable decision because until the said order is finally determined to be null and void by the court, the order subsists with the string attaching to it unmitigated.”

It follows therefore, that unless and until an order of court is set aside, it must be obeyed irrespective of how the person against whom the order is made feels about the order. It does not also matter the object of the said order, or the subject matter at

which the order is directed; any disobedience to an order of the court is nothing but contempt of court. Disobedience to court's order is a very serious matter which is condemnable and should not be treated with kid's glove otherwise the foundation of adjudication of administration of justice will be eroded. The fact that the order in question in the instant case is an order as to cost, does not give the Claimant/Applicant the latitude to choose whether or not to obey the order.

In **Odu v. Jolaoso & Ors (2002) LPELR-6008 (CA)**, the Court of Appeal, per Akintan, JCA, held that:

“Disobedience of court order is a very serious offence which every court should not allow to go unpunished. This is because treating such act with levity could lead to total destruction of the entire judicial system and all that administration of justice stands for. The law will by that be rendered incapable of commanding any respect.

Such a situation will no doubt portend a very bad omen for not only the administration of justice, but could constitute a great danger to the existence of the nation. This is the main reason why the onus is on every judicial officer, including counsel, to ensure that instances of contempt of order of court should never be treated with levity.”

The learned 6th Respondent's counsel has played his part by bringing to the attention of court the contemptuous attitude of the Claimant to the order of this court. He did not even have to come by way of motion or affidavit. It would even have sufficed if he orally called the attention of this court to the contemptuous attitude of the Claimant/Applicant.

This Court owes itself the duty to protect its integrity, and as such cannot in any way encourage the disobedience to its orders by continuing to grant audience to a party who regards its orders with contempt. In **Army v. Mowarin (1992) 4 NWLR (Pt.235) 345 Ubaezuonu**, JCA held;

“How the applicant are flagrantly flaunting an order of court... The same contemnors have come with very unclean hands supplicating before this court for granting of a favour that would as it were legalise their contempt. I would liken the applicants to a sinner who prays to God to assist him in commission of his sins. Just as God would not listen to such supplications, this court will not grant such a prayer.”

In line with the above authorities and accordingly, this Court hereby declines to hear the Motion No. M/3732/2021, or to accord the Claimant/Applicant further right of audience until she purges herself of her contempt of the order of this Court made on 13th February, 2019, 22nd May, 2019, 26th October, 2019 and 28th October, 2019 in respect of the costs awarded.

The said Motion No. M/3732/2021 is therefore struck out.

HON. JUSTICE A. O. OTALUKA
23/9/2021.