

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT GARKI, ABUJA**

**CLERK: MRS VICTORIA SILAS ADINOYI  
COURT NO. 9**

**SUIT NO: FCT/HC/CV/325/2025  
MOTION NO: M/1256/2025  
DATE: 7/2/2025**

**BETWEEN:**

**BARR. MIKE NATHAN NWANKWO..... CLAIMANT/APPLICANT**

**AND**

- 1. PEOPLES DEMOCRATIC PARTY (PDP)**
- 2. CHIEF/DR. ALI ODELA**  
(Former National Vice Chairman PDP, South East)
- 3. CHIEF JAMES UGWU**  
(South East Zonal Secretary, PDP)
- 4. HON. MIKE AHUMIBE**  
(South East Organizing Secretary, PDP)
- 5. UKPAI UKAIRO, ESQ**  
(South East Legal Adviser, PDP)
- 6. INDEPENDENT NATIONAL ELECTORAL  
COMMISSION**

**DEFENDANTS/RESPONDENTS**

**RULING**

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

This Motion *Ex-parte* M/1256/2025 dated 29/1/2025 and filed on 31/1/2025 prayed as follows:

**“AN ORDER of interim injunction pending the determination of the motion on notice restraining the**

***Defendants/Respondents their agents, assigns and others howsoever from continuing with the process initiated by the 1<sup>st</sup> Defendant/Respondent to hold the South East Zonal Congress of the 1<sup>st</sup> Defendant/Respondent on the 22<sup>nd</sup> day of February, 2025 thereby foisting a fait accompli on the Court.”***

The grounds upon which the application is premised are as follows:

- (1) The Defendants have 42 days within which to enter appearance but the Zonal Congress is fixed for 22<sup>nd</sup> day of February, 2025.
- (2) The originating summons is endorsed with:  
**TAKE NOTICE THAT THE PARTIES SHALL MAINTAIN THE STATUS QUO.**
- (3) The Defendants will not obey the above endorsement unless there is an order expressly made.
- (4) This application is founded on grounds of urgency.

In support of the application are the following:

- (1) A 31-paragraph affidavit dated 31/1/2025 and deposed to by Barrister Mike Nathan Nwankwo.
- (2) An affidavit of Urgency of 6-paragraph dated 31/1/2025 and deposed to by Barrister Mike Nathan Nwankwo.
- (3) A written address dated 29/2/2025 and signed by Kalu Kalu Agu, Esq.

A few minutes ago, learned Counsel moved the application summarily. He referred to all the processes filed, adopted the written

address as his argument and urged me to grant the application. Learned Counsel further submitted that in so doing, the Court shall be given effect to the provisions of Order 4 Rule 9 of the Rules of this Court.

I have considered this application as summarily as it was moved. Learned Counsel in paragraph 4.3 of his written arguments cited the case of **7 Up Bottling Co. Ltd & Ors. Vs. Abiola & Sons (Nig) Ltd (1999) LPELR 2-(SC)**.

The law is trite that an order of interim injunction can only be granted to the applicant on satisfaction of certain clear conditions among which are:

- (1) There must be triable issues or legal rights
- (2) The balance of convenience must be in favour of the applicant
- (3) Inadequacy of damages must be made out
- (4) There must be an undertaking to pay damages in case the application turns out to be frivolous.

See **OBEYA MEMORIAL HOSPITAL VS. AGF & ANOR (1987) LPELR-2163 (SC)**; **KOTOYE VS. SARAHI & ANOR (1994) LPELR 1708 (SC)**; **KOTOYE VS. CBN & ORS. (1989) LPELR – 1707 (SC)**.

To my mind, I do not see any legal rights of the applicant to warrant the grant of this application. And it is not made out in the applicant's affidavits that damages would not be adequate compensation. It is clear that all these conditions laid out above must be satisfied before the application can be successful. But here, at a quick glance, two of the criteria for a favourable grant of interim injunction are absent. So, I have no difficulty in saying this application is lacking in merit and it is therefore refused. The applicant's Counsel referred to Order 4, Rule 9 of the Rules of this Court. It reads:

***“Every originating process shall contain an endorsement by the Registrar that parties maintain status quo until otherwise ordered by the Court.”***

I have looked at the originating summons dated 29/1/2025 and filed on 31/1/2025. The endorsement referred to in Order 4 Rule 9 of the Rules of this Court is clearly shown there.

Parties are therefore in consequence of the submission of the learned Counsel to the Applicant and the provisions of Order 4 Rule 9 of the Rules of this Court admonished to be aware of that provision. Any party who acts in contravention of that provision in the instant suit may be doing so at his or her own peril. This case is adjourned to 20/2/2025 for hearing of the Motion on Notice – **M/1258/2025**.

Signed  
**S. B. Belgore**  
(Judge) 7/2/2025