

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

BEFORE HIS LORDSHIP: HON. JUSTICE H. MU'AZU

SUIT NO: FCT/HC/CV/460/2022

MOTION NO: FCT/HC/M/7555/2025

DELIVERED ON THE 20/10/2025

BETWEEN:

EDEN INTERNATIONAL RESORT LIMITED.....CLAIMANT/APPLICANT

AND

- | | | |
|--|---|---|
| 1. HON. MINISTER OF THE FEDERAL CAPITAL TERRITORY | } |DEFENDANTS/
RESPONDENTS |
| 2. FEDERAL CAPITAL DEVELOPMENT AUTHORITY (FCDA) | | |
| 3. PERSON(S) UNKNOWN | | |

**IN THE MATTER OF AN APPLICATION FOR CONMITTAL TO PRISON FOR
DISOBEDIENCE OF ORDERS OF COURT BY:**

- | | | |
|---------------------------------------|---|-----------------------------------|
| 1. ADESONYE MAYOWA EZEKIEL | } |CONTEMNORS/RESPONDENTS |
| 2. ALHAJI ALI ALIYU | | |
| 3. OMOBABA PROPERTIES LIMITED | | |
| 4. OMORBS HOME NIGERIA LIMITED | | |

RULING

The Claimant instituted this action against the Defendants on record on the 16/11/2022. The 3rd Defendant is a person unknown. This Hon. Court on the 15/02/2023 made an order of Interlocutory Injunction restraining and enjoining the party unknown (3rd Defendant) from entering into or further disturbing, entering into, trespassing on the property the subject matter of litigation. And the order was served by pasting on the subject matter of litigation.

It is the case of the Claimant/Applicant that despite been aware of the Court order, the persons unknown, are still carrying out activities on the subject matter. The Claimant by a Motion number **M/7555/2025** sought for the following reliefs from the Court:

- (1) *An Order committing the 1st and 2nd Contemnors/Respondents, to wit, Adesoye Mayowa Ezekiel and Alhaji Ali Aliyu, to Prison for flagrantly, willfully and contemptuously disobeying, disregarding, disavowing and refusing to abide by or comply with the orders of this Hon. Court made on the 15th day of February, 2023.*
- (2) *An Order directing the Registrar of the Corporate Affairs Commission to strike off the 3rd and 4th Respondents, that is to say, Omobaba Properties Ltd, and Omorbs Home Nigeria Ltd from its register of Companies, being Companies used at various times materially to this application, by the 1st and 2nd Respondents as cover/veil to disobey the orders of this Hon. Court.*
- (3) *And for such further order or other orders as this Hon. Court may deem fit to make in the circumstances.*

The said motion is supported by grounds upon which it is brought and affidavit of 19 paragraphs deposed to by Mrs. Juliana Ehiaba, a Director in the Claimant in this suit.

It is the deposition of the Claimant/Applicant that at the time of instituting this action, the identities of the 3rd Defendants were not known and therefore, they were sued as persons unknown and that they are now listed as 1st – 4th Contemnors/Respondents in this Application.

That by a Corporate Affairs Commission search conducted on the 3rd and 4th Contemnors/Respondents, it showed that the 1st Contemnor Adesoye Mayowa Ezekiel as the sole Director and alter ego of both Companies. And the contemnors are aware of the Order of this Hon. Court made on the 15/02/2023 as same was pasted on the subject matter.

That despite been aware of the order of this Hon. Court, they have entered into, and have continued to trespass, disturb, inhibit and restrain the Claimant from having access to or from having peaceful enjoyment of the land, subject matter of this suit, in flagrant disobedience to the order of this Hon. Court.

The Claimant/Applicant further avers that the Contemnors/Respondents have brought a horde of unknown thugs into the land to forcefully enter, destroy, and cause mayhem and particularly to intimidate and restrict the Claimant from entering into or enjoying peaceful possession of the land as directed by this Hon. Court in its order.

A written address was filed wherein the following issues were formulated for determination to wit:

- (1) *Whether this Hon. Court can commit the 1st and 2nd Contemnors/Respondents to Prison for failure to obey the Order of this Hon. Court made on the 15/02/2023 and*
- (2) *Whether this Hon. Court possess the vires to make an order directing the Registrar of the Corporate Affairs Commission to strike off the names of the 3rd and 4th Contemnors/Respondents from its register of Companies.*

Learned Counsel argued the above issues citing relevant cases in urging the Court to grant this Application in the interest of justice.

In response to the Application, with leave of the Court, S. O. Yahaya argued the position that the contemnors not being parties in the substantive suit and has not been joined or served the order of this court cannot be held in contempt of the Order of this Court. Counsel further argued that there is nothing placed before the Court to show that the contemnors are the persons working on the Land. Counsel finally submitted that this Court cannot grant the Application, the applicant having not met the condition precedents and urged the Court to dismiss the Application while referring the Court to the case of **MOHD ABACHA V. FRN LER (2014) SC 40/2006.**

In response, to the Oral submission of S. O. Yahaya for the contemnors Egbite Esq submitted that the contemnors has filed a Motion before the Court dated 18/06/2025, therefore cannot feign ignorance of the proceedings. He argued that the contemnors are aware of the order.

It is now firmly settled that a Court order must be obeyed even if such order is perverse until such a time that the order is set aside by a competent Court. This regardless of the attitude of a litigant towards the validity thereof. **ACCESS BANK VS. SAADU (2021) LPELR 55762 (CA).**

It is the unqualified obligation of every person against or in respect of whom an order is made by a Court of competent jurisdiction to obey it unless and until that order is discharged and or set aside by a court of competent jurisdiction. More so, where the person affected by the order believes it to be irregular or void. In so far as the order exists, it must be obeyed to the letter. **GOVERNOR OF LAGOS STATE VS. OJUKWU (1986) 1 NWLR PT. 18, Pg. 621.**

Contempt of Court may be described as any act or conduct which interfere with the course of justice and tends to bring the authority and admits fraction of law into disrespect. The twin elements of contempt of Court are therefore, interference and disrespect. The aim of the law of contempt in situations of this nature is to protect the dignity of Court from any conduct that tends to obstruct or interfere with the administration of justice. It is essential to the maintenance, and indeed to the very existence of the legal system of any state that the Court should have ample powers to enforce its orders and to protect itself from abuse of itself or its procedure. **EZENWANKWO VS. STATE (2013) LPELR 21257 (CA).**

I must state here that it is a futile exercise that bears no fruit to make an order against a person who is not a party to a case. **KASIMU VS. NNPC (2008) 3 NWLR PT. 1075 at 586.**

Worst still, a Court of law has no jurisdiction to decide the fate of a person who is not a party to the case before it, regardless of the purity of intention. The Court cannot give judgment against a person who will be affected by its decision, if such person is not made a party or has no opportunity of defending the suit. The test of interest to determine a person interest is whether the person should have been joined as a party to the suit. A person interested therefore includes a person attached or likely to be affected or aggrieved or likely to be aggrieved by the proceedings **PDP VS. APC & ORS. (2015) LPELR 25704 (CA).**

The Claimant/Applicant sued Hon. Minister of FCT, Federal Capital Development Authority and person(s) unknown in this case. The Court granted leave for the party sued as unknown to be served by substituted means through pasting on the subject matter of litigation. Similarly, the order of this Hon. Court for Interlocutory Injunction was also pasted on the subject matter of litigation.

The Claimant/Applicant brought this application for contempt against the following persons:

- (1) Adesonye Mayowa Ezekiel
- (2) Alhaji Ali Aliyu
- (3) Omobaba Properties Ltd
- (4) Omorbs Home Nigeria Ltd

The Claimant/Applicant is alleging that the Contemnors are in contempt of the restraining Order granted by this court.

The Claimant annexed **Exhibit A** which is status Report of Omobaba Properties Nig. Ltd with the name of 1st Contemnor as Director. Also annexed is **Exhibit A1** status report of Omorbs Homes Nigeria Ltd with the name of 1st Contemnor as a Director. The Applicant also annexed the Order of this Court dated 15th February, 2023 as **Exhibit B. Exhibit C** is an Order for substituted service while **Exhibit D** is the evidence of pasting of the

Order of court on the subject matter. **Exhibits E and F** are pictures of the subject matter before and after the grant of the Order of court respectively.

The Claimant/Applicant contended that the contemnors believed to be the Parties Unknown, even if not, despite been aware of the Court order have continue to trespassed, develop, destroyed and carry out activities on the subject matter.

The pertinent question to address in my view is *whether the Claimant/Applicant has made out a case to entitle it to relief sought.*

I must start here by stating that in the absence of any facts adduced by the Contemnors controverting the affidavit evidence of the Applicant, I believe the averments in the Affidavit of the Applicant as the true state of affairs between the Applicant and the Contemnors.

Having said that, it leads to the contention of the Respondents that not been parties in the substantive suit and having not been served, they cannot be found liable for breaching the Order of this court.

Here too I agree with the counsel for the Applicant that even non-parties can be liable where it is established that they are aware of the Order of court and flouted the Order after becoming aware of same.

In **UWAZURUIKE V. AGF (2013) LPELR-20392 (SC)** the Supreme Court held thus:

“Anyone who is served with or becomes aware of a valid court Order should ensure that he obeys it”

See also **ANCHOR OCEAN LTD V. BONO ENERGY LTD (2018) Legal pedia (CA) 73711.**

Are the Contemnors aware of the Order of this court? This must be answered in the affirmative considering that the order was pasted on the site.

On the whole, there is only one conclusion that can be reached in the circumstance of this case. The contemnors, whether as Parties unknown or not, were aware of the Order of this court made on the 15th of February, 2023 and willfully disobeyed the Order and thus are in contempt of the said order. I so hold.

Consequently, Motion No. **M/7555/2025** is meritorious hereby granted.

The contemnors shall be sentenced when they are brought before the court.

SIGNED:
HON.JUDGE
20/10/2025

APPEARANCE:

Chris Agbiti, Esq, with Henry C. Ibe, esq, and David E. Ohaekwusi, Esq, for the Claimant/Applicant

E. O. Amedu, Esq, holding the brief of S. O. Yahaya, Esq, for the Contemnors