

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT COURT 57 KUJE ABUJA
THIS 16TH DAY OF JULY, 2025
BEFORE HIS LORDSHIP: HON. JUSTICE ODUNAYO O. BAMODU, mni

SUIT NO. FCT/CV/2141/2025
MOTION NO. M/7683/2025

BETWEEN

MOHAMMED JEKADAFARI UMAR.....PLAINTIFF/APPLICANT

AND

1. NESRAFT PROPERTIES LTD)
2. MR. ABDULBASII SANI) -
3. PERSONS UNKNOWN).....DEFENDANTS

REPRESENTATION

Amos Adedoyin Esq, for the Claimant.

RULING

The Claimant/Applicant filed a Motion Ex parte dated 2nd June 2025 and filed on 4th June 2025 with Motion Number M/7683/2025. The Motion is brought pursuant to Order 32 Rule 8 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2025 and under the inherent jurisdiction of the Court.

The motion seeks:

1. An order for service of the originating and all other processes in this case on the 2nd and 3rd Defendants by substituted means of posting the same at their respective last known address as the possibility of personal service on any of them might be difficult, to wit:
 - a. Mr. Abdulbasit Sani
Suite 3 Second Floor, Nusaiba Tower, Ahmadu Bello Way, Abuja.
 - b. Persons Unknown
House B7, Liberty Grove Estate, Dakibiyu, Abuja
2. An order of interim injunction restraining the Defendants/ Respondents by themselves, their servants, agents, privies and

successor in title or heirs from tempering (sic), interfering, selling, altering, delineating and transferring the rights and or legal interest of the Claimant/Applicant in the property described as House B7, Liberty Grove Estate, Dakibiyu, Abuja pending the hearing and determination of the Claimant/Applicant' Motion on Notice for interlocutory injunction.

3. And for such further order(s) as the court may deem fit to make in the circumstances of the case.

The application is supported by 12 grounds and a 32 paragraph Affidavit, deposed to by the Claimant; and a Written Address.

I have carefully read the Applicants' affidavit and the written address in support of the application and I rule as follows:

1. The Applicant's prayer for substituted service as contained on the face of the application is granted as prayed
2. The reliefs sought by the Applicant for interim injunction is refused. Claimant shall put the Defendants on notice for the hearing of the Motion on Notice already filed before this court.

An order of interim injunction is provided for under Order 30 Rule 3 (1) and (2) of the High Court of the Federal Capital Territory (Civil Procedure) Rules, 2025 which provide thus: ***"(1) No application for an injunction shall be made ex-parte unless the applicant files with it a motion on notice of the application. (2) An order of injunction made upon an application ex-parte shall abate after 7 days unless extended for a further period, as the Court may consider imperative, upon application ex-parte before the abatement of the Order."***

An order of interim injunction is a temporary form of injunction which remains in force until a named day and date. By its nature, it is expected to last for a very short period. See ***A.I.C LIMITED v. NIGERIAN NATIONAL PETROLEUM CORPORATION (2005) 11 NWLR Pt.937, 563 at 592 E.***

The purpose of an order of interim injunction is to keep matters in status quo to a named date, usually not more than a few days, or until the Respondent can be put on notice. See the case of ***NATHANIEL ADEDAMOLA BABALOLA KOTOYE v. CENTRAL BANK OF NIGERIA & ORS (1989) LPELR-1707 (SC)***

On the other hand, an order of interlocutory injunction is granted before the trial of an action, and its primary objective is to keep matters in status quo ante bellum until the question at issue between the parties can be finally determined by the Court. See **CHIEF SAMUEL ADEBISI FALOMO v. OBA OMONIYI BANIGBE & ORS (1998) 7 NWLR Pt.559, 679 at 694F**; and **GLOBE FISHING INDUSTRIES LTD & ORS v. CHIEF FOLARIN COKER (1990) 7 NWLR Pt.162, 265 at 282H**.

In view of the foregoing, what factors must a Court consider in granting an order of interim injunction? These were stated by the Supreme Court in the case of **UNIVERSAL TRUST BANK LTD & ORS v. DOLMETSCH PHARMACY NIG LTD (2007) LPELR-3413 (SC) at p.27E – 29F**, inter alia, thus:

1. An applicant for interim injunction must have a legal right in the subject matter, which he seeks to prevent from being violated.
2. There must exist a serious question or substantial issue or case to be tried...
3. Preservation of the res, that is, the subject matter of the suit
4. The balance of convenience, the opposite of the balance of inconvenience
5. Applicant must show the existence of a real urgency and not a caricature of it
6. It is granted only on cases of emergency which is not synonymous with urgency...
7. Applicant must not delay in bringing the application...
8. There must be a subsisting action and relief to found an application for interim injunction.
9. The court must consider the gravity of injury and the fact that the loss is irreparable
10. The applicant must establish or show that it is virtually or practically impossible to bring a motion on notice, considering the compelling sudden events
11. The applicant must show that the award of damages will not be adequate or enough to compensate him

The grant of an interim injunction is discretionary albeit guided by well-established principles as stated above. I have carefully considered the

Applicants' depositions, and I am not persuaded that there is a real urgency to grant an order of interim injunction.

From the facts presented in the Claimant's affidavit, the alleged termination of contract forming the basis of this action happened on the 20th of February 2025. This matter was filed on the 4th of June 2025. Flowing from the above cited decision of the Supreme Court, the Applicant has not established real urgency entitling him to an order of interim injunction.

Without prejudice to his application for interlocutory injunction, which shall be heard on notice, I restate that the Claimant's application for interim injunction is refused and is hereby dismissed.

HON. JUSTICE O. O. BAMODU, mni
(Presiding Judge)