

**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/4605/2025  
MOTION NO: FCT/HC/M/14933/2025  
DELIVERED ON THE: 10/12/2025**

**BETWEEN:**

**SEN. PRINCE NED MUNIR NWOKO.....CLAIMANT/APPLICANT**

*(FOR MUNIR NWOKO AND KHALIFA NWOKO MINORS AGED 5 AND 3 RESPECTIVELY)*

**AND**

**1. REGINA DANIELS NWOKO** } .....DEFENDANTS/RESPONDENTS  
**2. NIGERIA POLICE FORCE** }

**RULING**

The Claimant by an Originating Summons dated and filed on the 13/11/2025 approached this Honourable court and sought for various reliefs as endorsed on the face of the writ.

The Claimant who is lawful husband of the 1<sup>st</sup> Respondent alleged that his marriage with the 1<sup>st</sup> Respondent is blessed with two children namely Munir Nwoko and Khalifa Nwoko aged 5 and 3 respectively.

Filed alongside the originating writ is a Motion No **M/14933/2025**. The said motion sought for the followings:

- (1) *An order of interlocutory injunction restraining the 1<sup>st</sup> Respondent from having access to Munir Nwoko and Khalifa Nwoko aged 5 and 3 respectively who are minors pending her rehabilitation at Asokoro Drug rehabilitation Clinic or*

*any other reputable rehabilitation facility abroad pending the hearing and determination of the suit.*

- (2) ***An order** of interlocutory injunction restraining the 1<sup>st</sup> Respondent from inviting or associating with the following individuals at the family home or in the presence of the minors: Samuel Ojeogwu (Sammy), Destiny Ojeofor, Ngozi Antoinette Izuegbu (Ann), and Ijeoma Josephine Otabor; (Pyhna) pending the hearing and determination of the suit.*
- (3) ***An order** directing the 2<sup>nd</sup> Respondent in conjunction with the National Drug Law Enforcement Agency (NDLEA), to assist in the safe and Lawful admissions of the 1st Respondent for rehabilitation.*
- (4) *And for such further orders as this Hon. Court may deems fit to make in the circumstances of the case.*

The grounds upon which the application is brought were set out on the motion paper and an affidavit of 34 paragraphs, deposed to by the Applicant himself, was filed.

The Applicant averred inter alia that he has been married to the 1st Respondent for about 7 years now and due to his busy schedule, he only found out recently that the 1st Respondent has been in constant abuse of hard drugs, consuming Narcotics including Marijuana, Cocaine and other hard drugs and alcohol. And that under the influence of the substances, she becomes susceptible to violent outburst and verbal abuse on the nanny and the children.

The Applicant averred that the 1st Respondent was taken to Boraxe Medical Diagnostics for toxicology test, after a blood sample was taken from her on 23/09/2025 and the report returned positive for Marijuana, Cocaine, Morphine, Opiates and alcohol at health toxic levels.

That a therapy was recommended for the 1<sup>st</sup> Respondent to detoxify and the 1<sup>st</sup> Respondent's result was taken to a detoxification lab in South Africa for further analysis and the Doctor in South Africa

concluded that the detoxification by a therapist would be needed to detoxify her system.

That under the influence of drugs, the 1st Respondent on 19/10/2025 went on a violent rampage destroying properties in the family home and in the presence of the children.

That the persons whose names are contained in the preceding part of this Ruling usually come to the house at odd hours of the night, when the children are supposed to be sleeping, to make noise thereby disturbing their night rest and exposing them to second hand smoke. And that the 1<sup>st</sup> Respondent's behavior renders her incapable of managing her personal affairs and safeguarding her children.

The following documents were annexed to the application to wits:

- 1. Medical Lab & Ultra Sound report.**
- 2. Serenity Royale Hospital report.**
- 3. Pictures photographs of properties destroyed.**
- 4. WhatsApp chats.**
- 5. Medical report from Nizamiye Hospital**

A written address was filed wherein, the issue *whether the Applicant is entitled to be granted an interlocutory injunction in these circumstances* was formulated for determination.

Learned counsel argued the above issue succinctly in urging the court to grant this application in the interest of justice.

Reacting to the application, the 1st Respondent filed a counter affidavit of 4 paragraphs deposed to by one Paul Ochayi, a Senior litigation clerk in the law firm of counsel to the 1st Respondent firm.

It is the deposition of the 1st Respondent that the Applicant has made and published several forged medical reports about the 1st Respondent which the medical institutions have come out to debunk.

It is the counter affidavit evidence of the 1st Respondent that she has never abandoned or failed to take care of her kids whom she loves and that she has never been involved in violent outburst against either the nanny, staff or anyone whatsoever, but rather it is the Applicant who

beats her and physically assaults her upon the slightest provocation. Thus, her decision to live apart from the Applicant.

That Serenity Hospital has issued a disclaimer against the medical report annexed.

And that the Applicant who has been married to about five different women before the 1st Respondent often engage in the same mendacious and misleading tactics of collecting their children from them and chasing them away once he finds a new victim of a wife.

That the Applicant is not in need of rehabilitation and cannot be denied access to her children.

The 1<sup>st</sup> Respondent annexed two documents to the counter, to wit:

- 1. Official statement from Nizamiye Hospital and**
- 2. Disclaimer from serenity Royale Hospital.**

A written address was filed, wherein a sole issue was formulated for determination, to wit;

**Whether the Applicant is entitled to be granted an interlocutory injunction in the circumstance.**

Learned counsel argued the above issue succinctly in urging the court to dismiss this application.

The Applicant upon service, filed a further affidavit wherein the Applicant stated that he is Legally married to the 1st Respondent and during the 7 years of the marriage, they live together.

Applicant further stated that he is a loving husband contrary to the claim of the 1<sup>st</sup> Respondent.

On the part of court, the whole essence of interlocutory injunction is to restrain a party from taking special steps. It is made before the actual trial of a case and is granted to keep the subject matter in status quo until trial. See **ANTONY VS SURVEYOR GENERAL OGUN STATE (2007). ALL FWLR (Pt 1304) 375 at 390 part. E-F.**

Similarly, in the case of **ALL STATES TRUST BANK PLC V NSOFO (2--4) ALL FWLR 1719 Ratio 2**, it was held thus;

*“In order to succeed, an Applicant for interlocutory injunction must prove the followings:*

- (1) The existence of a legal right.*
- (2) The Balance of convenience is in his favour and*
- (3) The justification in maintaining the status quo”*

Now, taking the first condition, i.e. existence of a legal right, I now ask, what then is considered as the existence of a legal right?

The existence of a legal right is the interest, claim or ownership that one has in tangible or intangible properties. This interest is legal where it is created and recognised by law.

The Applicant avers that he is legally married to the 1st Respondent and that they lived for 7 years as husband and wife and that the said marriage is blessed with two children. The Applicant avers that, the 1st Respondent is into drugs and often behaved violently in the presence of the children.

It is instructive to state here that the purpose of interlocutory injunction is to regulate the position of the parties pending trial whilst avoiding a decision on such issues which would only be resolved at trial. It is the province of the law that the interest should not be destroyed or annihilated before the judgment of the court. See **FLORENCE OWOLABI ENTERPRISES LTD VS WEMA BANK PLC (2011) LPELR 4168 (CA)**.

The order of interlocutory injunction is granted upon exercise of discretionary power of the judge in his equitable jurisdiction. And as with all other discretions, the judge must act judicially and judiciously on the facts placed before him. See **AMACHREE VS INTERNATIONAL CIGARETTE COMPANY LTD (1989) 4 NWLR (Pt 118) 686**.

It must be borne in mind however, that interlocutory injunctions are not granted as a matter of grace or routine. On the contrary, the injunction is granted only in deserving cases based on law and facts.

It is instructive to state here that relief one sought by the Applicant in this motion has to do with restraining the 1<sup>st</sup> Respondent from having access to her children pending her rehabilitation at Asokoro Drug rehabilitation clinic or any other reputable rehabilitation facility abroad pending the hearing and determination of the suit.

The law is settled that in any proceedings with respect to the custody, guardianship, welfare, advancement or education of the children, the court shall have regard to the interest of the children as the paramount consideration and subject thereto, the court may make such order in respect of the matter as it thinks proper. Custody is never awarded as a reward for good conduct nor is it ever denied as punishment for bad conduct. See **OBAHAYA VS OBAHAYA (2022) LPELR 57141 (CA)**.

The Applicant deposed copiously that the 1st Respondent has been in constant abuse of hard drugs, consuming Narcotics including Marijuana, Cocaine and other hard drugs and alcohol and she use to employ violence, outburst and verbal abuse on the nanny and the children. The allegation the Respondent vehemently denied.

As stated in the preceding part of this ruling, the Applicant annexed Exhibit (A) which is Boraxe Medical Diagnostics result. In the said result, the 1st Respondent was said to have tested positive for Marijuana, Cocaine, morphine and alcohol. The Applicant equally tendered Exhibit “B” which is medical report from Serenity Royale Hospital dated 15<sup>th</sup> October, 2025. In the said report, it is confirmed that the 1st Respondent has been on a drug related treatment programme.

The 1<sup>st</sup> Respondent however, denied the said allegation and stated that Serenity Hospital has issued a disclaimer against the said medical Report. I have seen the said disclaimer Notice. For avoidance of doubt, the said disclaimer read thus:

*“Our attention has been drawn to a post (on an alleged mid-term home detox report) being circulated online in the name of Serenity Royale Hospital with respect to Mrs Nwoko Regina.*

*We wish to state clearly that the publication and circulation of the said post containing classified information did not emanate from us and respectfully request the public to disregard same”.*

It is my humble observation that, the above disclaimer did not specifically deny the content of the medical report, but only stated that the report is a classified document and therefore, its circulation is not permitted by the Hospital.

However, be that as it may, I must state here that the children in question are products of the marriage between the Applicant and the 1st Respondent.

It is also on record that the case before me has nothing to do with divorce or judicial separation of the marriage. Equally, the application is not seeking for an injunction restraining the 1<sup>st</sup> Respondent from access to the matrimonial home but only seeking for an injunction restraining the 1<sup>st</sup> Respondent from having access to the children.

The law is trite that in determination of any interlocutory application pending trial of the substantive case, the court should not embark on any voyage into the merit of the matter in controversy, otherwise it will be tempted to make pronouncement that may determine the case at that stage and leave nothing for the just determination of the substantive suit after the hearing. See **UAC OF NIG. PLC VS SAPELE OKPE COMMUNAL LAND & ORS (2018) LPELR 46134 (CA).**

I have seen and read the reliefs in the Originating summons before me, it is obvious that granting relief No 1 in this motion expressly will touch on the main relief in the substantive case. I shall decline the invitation to do so. However, as I stated in the preceding part of this ruling, the wellbeing of the children is the paramount consideration of

this court. Thus, while it is my view that it will not be just to restrain the 1<sup>st</sup> Respondent from access to the children at this point, I shall direct that the social welfare office of the FCT to supervise the 1<sup>st</sup> Respondents access to the children to ensure the Children are not expose to any harm.

In respect of the second relief, I hereby make Order that while the Applicant retains custody of the Children, the 1<sup>st</sup> Respondent is restrained from inviting or associating with Samuel Ojeogwu (Sammy), Destiny Ojeofor, Ngozi Antoinette Izuegbu (Ann), and Ijeoma Josephine Otabor (Phyna) at the family home or in the presence of the minors; pending the hearing and determination of the suit.

Finally, the 3<sup>rd</sup> relief, which seeks order of this court directing the 2<sup>nd</sup> Respondent, in collaboration with NDLEA to forcefully put the 1<sup>st</sup> Respondent into Rehabilitation, in my view, is not grantable in the circumstance of this case. That been said, I hasten to add that if this court finds at the end that the 1<sup>st</sup> Respondent is into drugs, and not rehabilitated or in rehabilitation, access to of the Children may be denied to the Children.

This is the Ruling of the court.

**SIGNED:**  
**HON.JUDGE**  
**10/12/2025**

**APPEARANCE:**

*Lorenzo Omo-Aligbe, Esq, for the Claimant/Applicant.*

*Abass Oroh, Esq, holding the brief of Marshal Abubakar, Esq, for the 1<sup>st</sup> Defendant/Respondent.*

*B. T. Kola - Idowu, Esq, with M. O. Kalejaiye, Esq, for the 2<sup>nd</sup> Defendant/Respondent.*