

MOTION No: FCT/ / /2025
SUIT No: FCT/Hc/CV/1887/2025

1. REV. ENOCK EMMAUS
2. ELD. SUNDAY BAWA KARIMU
3. ELD. AKAFTA K. WAZIRI
4. ELD. TIMOTHY BABA
5. ELD. HOSEA ABBAS
6. ELD. NASIRU JOHN
7. ELD. IBRAHIM AMINU
8. ELD. UMAR IDI ABASU
9. ELD. SALAMATU MIJINYAWA
10. ELD. MILKATU YAHUZA
11. UNITED METHODIST CHURCH IN NIGERIA (UMCN)

1. COMMISSIONER OF POLICE, FCT COMMAND
2. REV. WILSON GANA
3. MR. ABDUL GIDEON ZUBAIRU
4. GLOBAL METHODIST CHURCH IN NIGERIA (GMCN)

... APPLICANTS/ RESPONDENTS

(2ND & 3RD

GSM: 08034822618

FOR SERVICE ON THE PARTIES:

E PARTIES: Legal Mail: Alexandria@angelmailing.com
GSM: 08034822618
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 Day 30/6/25

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

MOTION No: FCT/ / / /2025

SUIT No: FCT/Hc/CV/1887/2025

BETWEEN:

- | | | |
|--|---|---------------------------------------|
| <p>1. REV. ENOCK EMMAUS
2. ELD. SUNDAY BAWA KARIMU
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10. ELD. MILKATU YAHUZA
11. UNITED METHODIST CHURCH IN NIGERIA (UMCN)</p> | } | <p>...RESPONDENTS/
APPLICANTS</p> |
|--|---|---------------------------------------|

AND

- | | | |
|--|---|--------------------------------|
| 1. COMMISSIONER OF POLICE, FCT COMMAND | } | ... RESPONDENT |
| 2. REV. WILSON GANA
3. MR. ABDUL GIDEON ZUBAIRU | } | ... APPLICANTS/
RESPONDENTS |
| 4. GLOBAL METHODIST CHURCH IN NIGERIA (GMCN) | } | ... RESPONDENT |

MOTION ON NOTICE

BROUGHT PURSUANT TO ORDER IV RULE 6 OF THE FUNDAMENTAL RIGHTS
ENFORCEMENT PROCEDURE RULES 2009, S. 36 (5) OF THE CONSTITUTION
OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) AND
UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT

TAKE NOTICE that this Honourable Court will be moved on the...
day of 2025 at the hour of 9 o'clock in the forenoon or so soon
thereafter as the 2nd and 3rd Respondents/Applicants or Counsel

2ND AND 3RD RESPONDENTS/APPLICANTS MOTION TO DISCHARGE ORDER EX-PARTE

on their behalf may be heard praying this Honourable Court for the following reliefs:

1. **AN ORDER** of this Honourable Court discharging the *Ex Parte* order made by this Honourable Court in this matter on the 14th Day of April, 2025 via **MOTION No: FCT/Hc/M/4463/2025** and direct the reversal to the status quo ante pending the hearing and determination of the substantive Motion.

ALTERNATIVELY:

2. **AN ORDER** varying the *Ex Parte* order made on 14th Day of April, 2025 via **MOTION No: FCT/Hc/M/4463/2025** by directing the 1st Respondent to open the church for the substantive Pastor in charge of the church as at the date same was locked up, that is to say, **Rev. Wilson Gana** and to allow all worshippers in the said church access to worship in the church without molestation or attack by any section of the congregation pending the hearing and determination of the substantive motion.
3. **AND FOR** such further order or other orders as this Honourable Court may deem fit to make in the circumstances of this case.

TAKE FURTHER NOTICE that the grounds of this application are as follows:

- i. The *Ex parte* Application that was granted on 14th April, 2025 was granted without jurisdiction and therefore a nullity.
- ii. The Applicants to the *Ex parte* Application deliberately suppressed vital and essential facts which if this Honourable Court had known those relevant facts, the order made upon the *Ex parte* Application would not have been made.
- iii. The 2nd to 4th Respondents were never served with the *Ex parte* order made by this Honourable Court since on the 14th Day of April, 2025 nor the Originating Motion filed on the 26th Day of March, 2025 on which basis the interim injunction was sought and granted.

- iv. It is a cardinal principle of law that a court which made a null order is competent to set same aside or vary same in order to meet the justice of the case.

DATED MONDAY, THE 30TH DAY OF JUNE, 2025


Luka Musa Haruna Esq.,
C.O.C. Emeka – Izima Esq.,

Francis Adejoh Esq.,

H.N Bamaiyi Esq.,

Abel Caleb Ubale Esq.,

S.D Shut Esq.,

(2ND – 4TH RESPONDENTS/APPLICANTS COUNSEL)

Hanna Court Chambers,

L.A Haruna & Co.

Plot 9 Oro Ago Crescent,

Garki 2, Abuja

Legal mail: lukaharuna@nigerianbar.ng

GSM: 08034822618

FOR SERVICE ON:

1. THE PLAINTIFFS/RESPONDENTS:

C/o their Counsel,

Ayuba Antivas Esq.,

E.S. Orim Esq.,

A.A Binawa Esq.,

I.U Ikeh Esq.,

Plot 29, Ajumgobia, F.I.A Close, Kado Estate,

F.C.T Abuja

Egwuaba Reuben Law Office.

GSM: 08062069285, 08021452656

Legalmail: ayubaantivas@nigerianbar.ng

2. THE 1ST RESPONDENT:

Legal Section, FCT. Police Command Opp. Old C.B.N

FCT. Abuja.

3. THE 4TH RESPONDENT:

Global Methodist Church in Nigeria,

Durumi Area 1 Charge,

Abuja, FCT.

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

MOTION NO: FCT/ / / /2025

SUIT NO: FCT/HC/CV/1667/2025

BETWEEN:

- | | | |
|---|---|-------------------------------|
| 1. REV. ENOCK EMMAUS | } | ...RESPONDENTS/
APPLICANTS |
| 2. ELD. SUNDAY BAWA KARIMU | | |
| 3. ELD. AKAPTA K. WAZIRI | | |
| 4. ELD. TIMOTHY BABA | | |
| 5. ELD. HOSEA ABBAS | | |
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| 11. UNITED METHODIST CHURCH IN NIGERIA (UMCN) | | |

AND

- | | | |
|--|---|--------------------------------|
| 1. COMMISSIONER OF POLICE, FCT COMMAND | } | ... RESPONDENT |
| 2. REV. WILSON GANA | } | ... APPLICANTS/
RESPONDENTS |
| 3. MR. ABDUL GIDEON ZUBAIRU | | |
| 4. GLOBAL METHODIST CHURCH IN NIGERIA (GMCN) | } | ... RESPONDENT |

**AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE SEEKING TO
DISCHARGE ORDER *EX PARTE* GRANTED ON 14TH DAY OF, APRIL, 2025**

I, Rev. Wilson Gana, Male, Adult, Christian, Nigerian citizen of Global Methodist Church in Nigeria, Durumi Area 1, Federal Capital Territory, Abuja, do hereby make oath and state as follows:

1. That I am the 2nd Respondent in this case and the current Pastor in charge of Durumi Area 1, Abuja Church, the subject matter of this suit.
2. That by virtue of my position as stated above, I am very conversant with the facts of this case and all the facts are within my personal knowledge except where otherwise stated.
3. That I have the consent and authority of the 3rd Respondent and the Chairman, and members of the Board of Trustees of the 4th Respondent to depose to this Affidavit.
4. That the Applicants after filing this case on the 26th of March, 2025, filed a motion *ex parte* seeking orders of interim injunction before this Honourable Court.
5. That this Honourable Court heard and granted the motion *ex parte* filed by the Applicants and granted the interim orders sought therein on the 14th day of April, 2025.
6. That since the grant of the *ex parte* order, the Applicants have taken no steps to serve me, the 3rd and 4th Respondents with both the *ex parte* order and the originating motion for the enforcement of their fundamental rights.
7. That we were surprised when on Friday, the 13th Day of June, 2025, the Officers in the Office of the 1st Respondent called to inform me that the Church in Durumi, Area 1 would be open to the Applicants on Sunday, the 15th Day of June, 2025.
8. That when I protested that the case was pending before the Federal High Court Abuja, the Police Officers informed me that there is an *ex parte* order made by the FCT High Court directing the 1st Respondent to open the church in Durumi to the Applicants.
9. That the said *ex parte* order was granted in spite of the pendency of a similar Originating Summons suit filed (by a faction of dissenting members, to whom the Applicants owe allegiance), at the Federal High Court in suit No:(FHC/ABJ/CS/1891/2024 Between - BENJAMIN SIMON & 3 ORS V. CAC & 2 ORS). The said action challenges the CAC's

lawful name change process from UMCN to GMCN, and the entire properties of the church spread all over Nigeria.

10. That on the said day the Church was to be opened, our members of the Church went to the Church in Durumi to attend church service but there were some commotions and skirmishes between the Applicants and members of the church which resulted in a breach of peace and nine (9) members of the Church were arrested and arraigned on a First Information Report (FIR) before the Magistrate Court, Wuse Zone 6. The Defendants have been granted bail and the case was adjourned to the 16th Day of July, 2025 for mention. A copy of the FIR dated 16th June, 2025 filed before Magistrate Court, Wuse Zone 6 is hereby annexed and marked as **Exhibit Durumi 1**.
11. That immediately after this episode, we applied for copies of the Originating Motion and processes filed before this Honourable Court through our Solicitors vide a letter dated 16th of June, 2025. The said letter by our solicitor dated 16th June, 2025 is hereby annexed and marked as **Exhibit Durumi 2**.
12. That having perused and read through the Originating Motion and the *Ex-parte* motion used in obtaining the Order *exparte*, I discovered that the Applicants have deliberately suppressed vital and essential facts which if this Honourable Court was aware of those relevant facts, the orders made upon the *ex-parte* application would not have been made.
13. That the 11th Respondent/Applicant who sued in the name of United Methodist Church in Nigeria (UMCN) is not a recognised entity because it had ceased to exist on the 3rd Day of September, 2024 following the successful change of its name to Global Methodist Church in Nigeria (GMCN), which change is binding on all the Churches, Charges and Districts of the defunct UMCN within the Nigerian Episcopal Area including the Durumi Church Area 1 Abuja Charge, the subject matter of this fundamental rights Application. **The new Certificate for change of name and the certified true copy of the current Status Report of the Church with**

Registration No. CAC/IT/898 are hereby attached and marked as "Exhibit Durumi 3-A and 3-B respectively".

14. That the UMCN leadership unanimously decided at its **June 1, 2024 Special Called Session** to disassociate from the United Methodist Church (UMC) worldwide following its adoption of same-sex marriage and LGBTQ+ practices in its 2024 Book of Discipline. **A copy of the Resolution of the 1st Day of June, 2024 is hereby attached and marked as Exhibit Durumi 4".**
15. That the Northern Nigeria Annual Conference, to which the Durumi Area 1 Charge belongs, supported in its entirety, the motion for disintegration of the Nigerian Episcopal Area from the American influenced United Methodist Church, and for the name of the Nigerian Episcopal Area to be changed forthwith from United Methodist Church in Nigeria (UMCN) to Global Methodist Church in Nigeria (GMCN). **The Resolutions of the Special Called Session of the Northern Nigeria Annual Conferences held on 1st August, 2024 is hereby attached and marked as Exhibit "Durumi 5".**
16. That the decision to legalise the long-time ban on gay clergy and same-sex marriage as well as other provisions against **Lesbian, Gay, Bisexual, Transgender and Queer or 'Questioning (LGBTQ+)** practices was taken by the United Methodist Church (UMC) worldwide at her quadrennial **General Conference held from April, 23rd – May, 3rd 2024 at the Charlotte Conventional Centre, North Carolina, United States of America.**
17. That the claim by the Applicants' regarding a leadership dispute or member defection is entirely false. The name change from UMCN to GMCN was solely motivated by the UMC's adoption of doctrines incompatible with Nigerian law and Biblical teachings. In reality, it is the Applicants who seek to improperly separate from the legitimate church body.
18. That consequent upon the above decision, the United Methodist Church in Nigeria, having duly complied with the laid down statutory procedure, changed its identity to

Global Methodist Church in Nigeria with the Corporate Affairs Commission (CAC) in order to distinguish itself from the UMC Worldwide.

19. That I attended the Joint Special Called Session and the Northern Nigeria Annual Conference Session as the Pastor in Charge of the Church at Durumi, Area 1, FCT, Abuja and I reported the decision of the Annual Conferences to the local congregation.
20. That the members of the Church in Durumi District received the decision in good faith and supported the change of name of the Church at the Corporate Affairs Commission.
21. That on the 18th of August, 2024 the Applicants and their arms-bearing thugs violently attacked me by throwing stones at me on the altar and disrupted the Church service after the Applicants were contracted by the negligible fraction of the Church's members sponsored by the mainstream UMC.
22. That the church building was locked on the said 18th August, 2024, by the DPO Durumi Division who arrived with his men to rescue us and keep the peace due to the actions of the Applicants and the arm-bearing thugs.
23. That a faction of dissenting members, to whom the Applicants owe allegiance, had earlier filed an Originating Summons (FHC/ABJ/CS/1891/2024 Between - BENJAMIN SIMON & 3 ORS V. CAC & 2 ORS) before the Federal High Court, Abuja. The said action challenges the CAC's lawful name change process from UMCN to GMCN, and the entire properties of the church spread all over Nigeria.
24. That the above case is currently pending before Federal High Court No.10, Abuja and is adjourned to the 10th of July, 2025. **A copy of the Plaintiffs' Originating Summons filed on the 17th of December, 2024 and the 2nd Defendant's Counter Affidavit filed on the 25th of April, 2025 are hereby attached and marked as "Exhibits Durumi 6-A and 6-B" respectively.**
25. That in their desperation to circumvent due process, the Plaintiffs had earlier filed before the Federal High Court a

Writ of Summons AND Motion *Ex-parte* over same subject matter involving the same Parties in **Suit No:FHC/ABJ/CS/1587/2024 Between Incorporated Trustees of UMCN, Ben Simon, Rev. Dr. Eunice Iliya & Ors Vs. Incorporated Trustees of GMCN, Hon Justice Beatrice Lazarus Iliya & Ors.** But the Court had refused to grant them any *ex-parte* orders. A copy of the Suit in **FHC/ABJ/CS/1587/2024** is hereby attached and marked as **"Exhibit Durumi 7"**.

26. That I represented the Church at Durumi, Area 1 Abuja, FCT Charge at the Special Called Session in my capacity as the Pastor in Charge, hence I was mandated to give an update on the outcome of the Special Called Session; in the same way other senior Pastors in attendance returned to their respective Charges and Districts and informed their members of the decision of the Conference to support the re-naming of the Church to Global Methodist Church in Nigeria in other to sever allegiance to the American controlled United Methodist Church.
27. That I was duly informed by Mr. Luka Haruna Esq. the substantive Counsel representing us on the 26th of June, 2025 in his Office by 1:30pm during a conference on this case as follows:
 - i. That by the grant of the interim order *ex-parte* by this Honourable Court, the reliefs sought in the substantive application has been granted already. That is why the Applicants became reluctant to serve us with the Court processes.
 - ii. That the purpose of granting an injunction is to restrain the Respondent, maintaining status quo or staying all actions and not granting a right to the Applicants to the detriment of the Respondents.
 - iii. That it will be in the interest of justice, public safety and order to discharge the *ex parte* order granted on the 14th day of April, 2025.

28. That I make this oath conscientiously believing its contents to be true to the best of my knowledge and information and in accordance with the **Oaths Act, (Cap. O1) Laws of the Federation of Nigeria, 2004.**



DEPONENT

**SWORN TO AT THE F.C.T. HIGH COURT REGISTRY, ABUJA
DATED MONDAY, THE 30TH DAY OF JUNE, 2025**


BEFORE ME
HIGH COURT OF THE FCT
ABUJA
COMMISSIONER FOR OATH
THEMILY OGOKE
COMMISSIONER FOR OATHS

30/6/2025

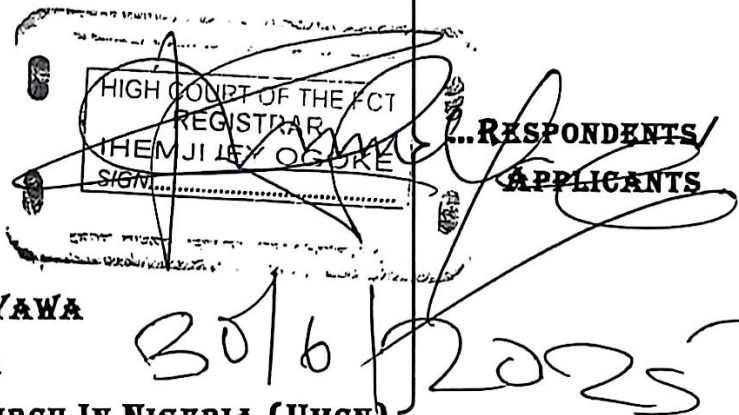
**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA**

MOTION No: FCT/ / / /2025

SUIT No: FCT/Hc/CV/1887/2025

BETWEEN:

1. REV. KNOCK EMMAUS
2. ELD. SUNDAY BAWA KARIMU
3. ELD. AKAFTA K. WAZIRI
4. ELD. TIMOTHY BABA
5. ELD. HOSEA ABBAS
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8. ELD. UMAR IDI ABASU
9. ELD. SALAMATU MIJINYAWA
10. ELD. MILKATU YAHUZA
11. UNITED METHODIST CHURCH IN NIGERIA (UMCN)



AND

- | | | |
|--|---|--------------------------------|
| 1. COMMISSIONER OF POLICE, FCT COMMAND | } | ... RESPONDENT |
| 2. REV. WILSON GANA | } | ... APPLICANTS/
RESPONDENTS |
| 3. MR. ABDUL GIDEON ZUBAIRU | | |
| 4. GLOBAL METHODIST CHURCH IN NIGERIA (GMCN) | } | ... RESPONDENT |

WRITTEN ADDRESS

IN SUPPORT OF THE 2ND AND 3RD RESPONDENTS/APPLICANTS MOTION ON NOTICE
SEEKING TO DISCHARGE EX PARTE ORDER MADE ON 14TH DAY OF APRIL, 2025

1.0 INTRODUCTION:

- 1.1. My Lord, the 2nd and 3rd Respondents herein, upon getting to know of the existence of this suit and an ex parte order made by this Honourable Court on the 14th day of April, 2025

granting interim reliefs sought by the Applicant, applied for copies of the processes filed before this Honourable Court through their Solicitors on 16th June, 2025.

- 1.2. The 2nd - 4th Respondents herein were never served with the order ex parte by the Applicants upon applying for the copy of the Originating motion of the Applicants,
- 1.3. The 2nd - 3rd Respondents have filed this motion inter alia, an order of this Honourable Court discharging the order made ex parte on the 14th day of April, 2025 or varying same by directing that the church building be opened to the 2nd Respondent who is the Pastor in Charge of the Durumi District Church from 2021 till date.
- 1.4. The motion is accompanied by an affidavit of 27 paragraphs deposed to by the 2nd Respondent/Applicant, Rev. Wilson Gana and attached thereto are 7 Exhibits marked as Exhibits Durumi 1 to Durumi 7. We place reliance on all the paragraphs of the affidavit and exhibits attached thereto. The instant written address is in support of the motion on notice.

2.0. ISSUE FOR DETERMINATION:

The 2nd - 3rd Respondents/Applicants hereby formulate a lone issue for determination thus:

Whether from the facts and circumstances of this application, the 2nd - 4th Respondents/Applicants are entitled to the grant of this application and the reliefs sought?

3.0. ARGUMENT:

Whether from the facts and circumstances of this application, the 2nd - 4th Respondents/Applicants are entitled to the grant of this application and the reliefs sought?

- 3.1 We submit that this Honourable Court is empowered by the provisions of Order IV, Rule 3 of the Fundamental Rights (Enforcement Procedure) Rules (FREP), 2009, to grant interim orders ex parte, while Rule 4 (c) prescribes the

nature of orders that may be made by the Court. However, by the provisions of Rule 6, an affected party may apply to discharge the ex parte orders. It provides as follows:

6. Where an order is made on a motion ex parte, a party affected by it may within seven days after service of the order, or within such further time as a Court may allow, apply to the Court by motion to vary or discharge it; and the Court may, on notice to the party obtaining the order, either refuse to vary or discharge it with or without imposing terms as to costs or security, or, as may seem just.

3.2 Suffice to say here that the 2nd - 4th Respondents/Applicants were never served with the order of this Honourable Court obtained by the Applicants/Respondents on the 14th day of April, 2025, neither were they served with the originating processes filed by the Applicants/Respondents on which basis the orders were sought ex parte. In fact, given the fact that the Applicants/Respondents made no efforts whatsoever to serve or bring the suit to the notice of the 2nd - 4th Respondents/Applicants, it is safe conclude that the intention of the Applicants/Respondents is to overreach the 2nd - 4th Respondents/Applicants and not to prevent any exceptional hardship as presupposed by the provisions of Order IV, Rule 3 of the FREP Rules. The 2nd - 4th Respondents/Applicants only became seized with the processes and ex-parte order when their solicitor applied for copies to the Registry of this Honourable Court and were subsequently obliged with the copies.

3.3 We submit that the actions of the Applicants/Respondents, that is, non-service of the originating processes and ex parte order on the 2nd - 4th Respondents/Applicants, is sufficient grounds for the discharge of the order ex parte and we urge this Honourable Court to so hold.

3.4 It is trite law and has been held in a plethora of cases that a party affected by an order made ex parte can apply to the court for the order to be discharged or varied. We refer to

the case of **T.M. LEWIN (NIG) LTD v. SMARTMARK LTD (2017) LPELR-43136(CA)**, where the Court held as follows:

"The law is trite that while a Court which makes an order ex-parte against a party also retains the inherent power in deserving circumstances and in line with the guiding principles of law to discharge such ex-parte order at the behest of the party against whom it was made. The exercise of such an inherent power does not amount to and cannot be equated with sitting on appeal over its decision. It is permissible in law. See **Boaban V. Diwhre (2005) 16 NWLR (pt. 951) 297**, where it was held inter alia thus: "The jurisdiction to vary or discharge an order made ex parte is almost always vested in the Court that made it." However, the inherent power in a Court, being equitable and discretionary, to discharge its own earlier order made ex- parte is not left at large but guided by well laid down principles of law. Thus, a Court faced with an application to discharge its own earlier order made ex - parte, has so many factors that it would be taken into consideration in arriving at its decision whether or not to discharge its earlier order made ex-parte. These factors, as set out hereunder but without any exhaustive finality, vary from case to case but would depend on the peculiar facts of each case and without which the Court would clearly lack the power to discharge its order made ex-parte, namely: 1. If the Claimant has not used his administrative powers that might have resolved the difficulty; 2. If default has been made in giving security for costs; 3. If the affidavit has not been filed when the injunction was moved for; 4. If it was granted on a suppression or misrepresentation of material facts; 5. If it was irregularly granted; 6. If the Claimant failed to attend to be cross examined; 7. If there had been delay in complying with an undertaking to amend the writ by adding a party as plaintiff; 8. If there is non - disclosure of material facts. See **UTB Ltd v.**

Dolmetsch Pharmacy Nig. Ltd. (2007) 16 NWLR (Pt. 1061) 520 @ p. 542. See also Animashaun V. Bakare (2010) 16 NWLR (pt. 1220) 513 @ p. 538." Per BIOBELE ABRAHAM GEORGEWILL, JCA (Pp 31 - 33 Paras B - A)

3.5 Also, in the case of EFCC v. EZE & ORS (2024) LPELR-62564(CA), it was held as follows:

"It is trite law that a person affected by an order of Court obtained ex-parte can approach the same Court to set aside its order on the basis that same was obtained upon concealment of material facts and/or that material facts were suppressed. In the instant case, the suppressed fact being the order of a coordinate Court for the extension of the detention of the 1st Respondent as well as the order granted freezing the assets of the 1st Respondent, the latter Court cannot by any imagination sit on appeal over a Court of coordinate jurisdiction. The cases of Umar vs. Onwudine & Ors (2002) 10 NWLR (pt. 774) 129, Provisional Liquidator of Tapp Ind. Ltd & Anor vs. Tapp industries Ltd and Ors (supra) and Etolue vs. Okuagu & Anor (1999) LPELR-13347 (CA), validly support the legal principle." Per HAMMA AKAWU BARKA, JCA (Pp 32 - 33 Paras F - C)

3.6 My Lord, we submit that the basis for the instant application filed by the 2nd – 3rd Respondents/Applicants is that the Applicants/Respondents herein have obtained the orders made ex parte on the 14th of April, 2025 while deliberately concealing the true facts of the events of 18th August, 2024 leading to the locking up of the church in the first instance.

3.7 The 2nd – 3rd Respondents/Applicants have copiously stated in their affidavit in support of this application, particularly paragraphs 11 to 19, the facts leading to the locking up of the church building, which facts have also revealed that the Applicants/Respondents being in the minority within the Durumi District Church and the entire Church in Nigeria, cannot claim to have a right to the Church building to the exclusion of the 2nd - 4th Respondents/Applicants.

- 3.8 The Applicants/Respondents deliberately misled this Honourable Court to believe that they are in possession of the church building and the 4th Respondent/Applicant is a new church or breakaway church, whereas the 4th Respondent/Applicant and the 11th Applicant/Respondent are one and the same body, which only changed its name and identity, having complied with the statutory provisions for the change of name under the Companies and Allied Matters Act and the provisions of its Amended Constitution of 2014.
- 3.9 We submit that on a close perusal of the relief sought in the substantive application, particularly, relief 3, which is the principal relief sought by the Applicants/Respondents before this Honourable Court, it is clear that it is the same relief that was sought and granted by way of interim injunctive relief ex parte to the Applicants/Respondents. The law is trite in determining reliefs sought by means of interlocutory applications, the Court is enjoined to avoid delving into issues in the substantive matter or grant reliefs that are central to the determination of the substantive issues before the Court. We refer to the cases of **BRAITHWAITE VS. S.C.B (NIG.) LTD. (2012) 1 NWLR (PT. 1281) P. 301 (CA)**, **FSB INTERNATIONAL BANK (NIG.) LTD. Vs. IMANO NIG LTD (2000) 11 NWLR (PT. 676) 620**.
- 3.10 In the instant case, as earlier observed the reliefs sought and granted in the ex parte order is the same as the principal relief, (relief 3) sought by the Applicants/Respondents, which ought not to have been granted in the first instance, but having been granted, ought to be discharged by this Honourable Court.
- 3.11 My Lord, the grant of an interim injunctive relief as in the instant case is an equitable remedy, which is not granted as a matter of course and a party who is seeking an equitable remedy must show that he has acted in good faith and must come with clean hands. We refer to the case of **OGUNPEHIN v. NUCLEUS VENTURE (2019) LPELR-48772(SC)**, the Court held as follows:

“Equity acting in personam will not allow a party to come to the temple of Justice with dirty hands and

unclean conscience. It also does not allow a party to benefit from his iniquity." Per EJEMBI EKO, JSC (Pp 24 - 24 Paras D - E)

3.12 May we also refer to the cases of **UTB LTD & ORS v. DOLMETSCH PHARMACY (NIG) LTD (2007) LPELR-3413(SC)**, **GALLAHER LTD & ANOR v. B.A.T (NIG.) LTD & ORS (2014) LPELR-24333(CA)** to support the position that the orders made ex parte should be discharged or varied as sought by the 2nd - 4th Respondents/Applicants.

4.0. CONCLUSION

On the whole, we urge your Lordship to grant the application of the 2nd - 4th Respondents/Applicants in the light of the foregoing authorities.


5.0. LIST OF AUTHORITIES:

CASES:

1. T.M. LEWIN (NIG) LTD v. SMARTMARK LTD (2017) LPELR-43136(CA)
2. EFCC v. EZE & ORS (2024) LPELR-62564(CA)
3. BRAITHWAITE VS. S.C.B (NIG.) LTD. (2012) 1 NWLR (PT. 1281) P. 301 (CA)
4. FSB INTERNATIONAL BANK (NIG.) LTD. Vs. IMANO NIG LTD (2000) 11 NWLR (PT. 676) 620.
5. OGUNPEHIN v. NUCLEUS VENTURE (2019) LPELR-48772(SC)
6. UTB LTD & ORS v. DOLMETSCH PHARMACY (NIG) LTD (2007) LPELR-3413(SC)
7. GALLAHER LTD & ANOR v. B.A.T (NIG.) LTD & ORS (2014) LPELR-24333(CA)

DATED MONDAY, THE 30TH DAY OF JUNE, 2025




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