

IN THE HIGH COURT OF CROSS RIVER STATE OF NIGERIA
IN THE CALABAR JUDICIAL DIVISION
HOLDEN AT CALABAR

SUIT NO. HC/240/2021

BETWEEN:

MR. ENANG KANUM WANI -- **CLAIMANT/APPLICANT**

AND

- | | | |
|-----------------------------------|---|-------------|
| 1. PRINCE UCHE SECONDUS | } | DEFENDANTS/ |
| 2. PEOPLES DEMOCRATIC PARTY (PDP) | } | RESPONDENTS |

ORDER

UPON THIS MOTION EX-PARTE coming before this Honourable Court in its competent jurisdiction and brought pursuant to Section 96 of the Sheriffs and Civil Process Act, Cap. C6, Laws of the Federation of Nigeria, 2004 as well as Orders 7, Rules 3(2) & 4(2); 12, Rules 5 and Order 21, Rule 2(1) of the High Court of Cross River State (Civil Procedure) Rules, 2008 as well as under the inherent jurisdiction of this Honourable Court pursuant to section 6(6)(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), praying this Honourable Court for the following orders:

- 1) **GRANTING LEAVE** to the Applicant to cause to be issued an Originating summons for service outside jurisdiction and on the 1st & 2nd Respondents, at Wadata Plaza, Plot 1970, Michael Okpara Street, Wuse Zone 5, Abuja, within the Abuja Judicial Division of the High Court of the Federal Capital Territory of Nigeria.
- 2) **PERMITTING** the Applicant herein to serve the Originating Summons to be issued on the 1st & 2nd Respondents and all other processes issued from this Honourable Court in respect of the suit between the parties by substituted means to wit, by pasting at the entrance of the National Secretariat of the People's Democratic Party (PDP) at Wadata Plaza, Plot 1970, Michael Okpara Street, Wuse Zone 5, Abuja, in the Federal Capital Territory of Nigeria and by publication in two (2) National Newspapers in Nigeria.
- 3) **AN ORDER OF INTERIM INJUNCTION RESTRAINING** the 1st Defendant from assuming the office of National Chairman of the 2nd Defendant while seeking re-election to the office of the National Chairman of the 2nd Defendant pending the hearing and determination of the motion on notice.
- 4) **AN ORDER OF INTERIM INJUNCTION RESTRAINING** the 1st Defendant from acting or purporting to act or to parade himself in any manner howsoever as the National Chairman of the 2nd

Defendant having been restrained from doing so by a court of competent jurisdiction pending the hearing and determination of the motion on notice.

- 5) **AN ORDER OF INTERIM INJUNCTION RESTRAINING** the 2nd Defendant, its members, officers and agents from recognising the 1st Defendant as its National Chairman or from according him any of the powers, rights or privileges due to the holder of the office of the National Chairman of the 2nd Defendant pending the hearing and determination of the motion on notice.
- 6) **AN ORDER OF INTERIM INJUNCTION RESTRAINING** the 1st Defendant from presiding over the National Executive Committee meeting of the 2nd Defendant scheduled to hold on Saturday, the 28th of August, 2021 or on any subsequent meeting of the National Executive Committee of the 2nd Defendant and from presiding over any meeting of any organ of the 2nd Defendant or attending any of such meetings or functions in the capacity of National Chairman of the Party or in any other manner or form attempting to forcefully gain entrance into any such meetings or into the premises of the 2nd Defendant as National Chairman of the Party pending the hearing and determination of the Motion on Notice.

AND FOR SUCH FURTHER ORDER(S) as this Honourable Court may deem fit to make in the circumstances of this case.

AND UPON reading through the 35 paragraphed affidavit with four annexures attached as exhibits "MEU-1" – "MEU-4", an affidavit of urgency and a Written Address.

AND AFTER HEARING Mba E. Ukwani, SAN, with Achu Takim Achu, Esq., A. J. Arong, Esq. and P. O. Arikpo, Esq. of counsel for the Claimant/Applicant urging the Court to grant the application.

EDEM ITA KOOFFREH
JUDGE

IT IS HEREBY ORDERED AS FOLLOWS:

- 1. The application be and is hereby granted as prayed.
- 2. This Order is to be attached to the Originating processes and served on the Defendants/Respondents.
- 3. This case is hereby adjourned to 7/9/2021 for the hearing of the motion on notice.

ISSUED AT CALABAR UNDER THE SEAL OF THE COURT AND HAND OF THE PRESIDING JUDGE, THIS FRIDAY 27TH DAY OF AUGUST, 2021.

EKEI E. KOOFFREH, ESQ.
REGISTRAR

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