

IN THE HIGH COURT OF JUSTICE OF KWARA STATE
IN THE ILORIN JUDICIAL DIVISION
HOLDEN AT ILORIN
SUIT NO: KWS/518/2025

BETWEEN

1. ZEINAB ZULU GAMBARI
 2. HASSIAT WURAOOLA GAMBARI
 3. MARIAM SEGILOLA GAMBARI
 4. HAUWA ADEGBOYEGA GAMBARI
 5. BILKISU TINUOLA GAMBARI
 6. ALIYU OLADIPOPU GAMBARI
 7. RAKIYA AJIBOLA GAMBARI
- APPLICANTS
AND
1. AHMED BOLAKALE GAMBARI
2. UNKNOWN PERSONS

RESPONDENTS
MOTION EX PARTE

BROUGHT PURSUANT TO SECTIONS 6(6) (B), 36(6) (C) AND 272 OF THE CONSTITUTION
OF THE FEDERAL REPUBLIC OF NIGERIA (1999 AS AMENDED), ORDER 11 RULES 1 & 2
AND ORDER 20 RULES 1 & 2 OF THE KWARA STATE HIGH COURT (CIVIL PROCEDURE)
RULES, 2022 AND UNDER THE COURT'S INHERENT JURISDICTION.

TAKE NOTICE that this Honourable Court will be moved on the ____ day of
____ 2025, at the hour of 9:00 a.m. or so soon thereafter as Counsel for the
Applicants (or the 5th Applicant representing all) may be heard, praying the Court
for the following reliefs:

1. An Order of Interim Injunction, restraining the 1st Respondent, his agents,
servants, or privies from further leasing, transferring, or representing the
Applicants' interest in the property known as Matchco (Ile Isana), Emir of
Ilorin House, Muritala Mohammed Way, Ilorin, Kwara State pending the
determination of the substantive suit.
2. An Order of Interim Injunction restraining the 2nd Respondent (Unknown
Person) from entering upon, developing, constructing, or otherwise

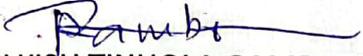
interfering with the said property pending the hearing and determination of this suit.

3. And for such further order(s) as this Honourable Court may deem fit to make in the circumstances.

FOUNDATIONS OF THE APPLICATION

1. The Applicants are the heir and the beneficiaries to the estate of Late Hrh Alh. (Dr.) Zulkarnaini Gambari Mohammed who died intestate on the 23rd day of February, 1992.
2. That this Honourable Court granted the letter of administration of the personal property of Applicants' late father to four administrators to work collectively in disposing the said property.
3. The first administrator named in the said letter of administration, now the first Respondent herein, acted independently without the consent of the other administrators and the heirs of the deceased by leasing out the property to the 2nd Respondent herein, for 35 years.
4. The Applicant noticed some individual working on their late father's land and they confirmed to them that it was the 1st Respondent that leased the property to them.
5. The action of the 1st Respondent is a clear contradiction of his duty as an administrator to the estate of their father.
6. It is in the interest of justice to grant this Application.
7. This application will not in any way prejudice the Respondent herein.

DATED THIS 28th DAY OF Oct, 2025


BILKISU TINUOLA GAMBARI

(FOR ALL THE Applicants) NO. 5, SANI LAWAL

CLOSE,

OFF OLA HERALD ROAD, GRA, ILORIN, Kwara State.

DATED THIS _____ DAY OF _____, 2025

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7. RAKIYA AJIBOLA GAMBARIApplicants

- AND
1. AHMED BOLAKALE GAMBARI
 2. UNKNOWN PERSONSRespondents

AFFIDAVIT IN SUPPORT OF THE MOTION EX PARTE

I, Zeinab Zulu Gambari, female, Nigerian citizen, of No. 5, Sani Lawal Close, off Old Herald Road, GRA, Ilorin, Kwara State, do hereby make oath and state as follows:

1. That I am the 1st Applicant in this suit, widow to the late HRH Alh (Dr.) Zulkarnaini Gambari Mohammed and the mother of the 2nd -7th Applicants and by virtue of which I am conversant with all the facts depose to herein.
2. That I have consent and authority of all the Applicants to depose to this affidavit on their behalf.
3. That my husband died intestate on the 23rd day of February, 1992 and this Honourable Court granted a letter of administration dated the 26th day of October, 2023 of my late husband property to four administrators. A photocopy of the letter of administration is herein attached and marked as Exhibit GMB 1.
4. That the 1st Respondent is named amongst the four administrators in the said letter of administration.
5. That amongst the properties of my late husband covers by the letter administration is a piece of land known as Matchco (Ile Isana) which is situated at Emir of Ilorin House, Muritala Mohammed Way, Ilorin, Kwara State.
6. That I and the other Applicants got information that some individuals are working on the said piece of land which we inquired from them and they confirmed to us that the 1st Respondent was the one that leased it out to an

- unknown estate developer who is being sued as an unknown person in this suit (2nd Respondent).
7. That I know as of fact that the 1st Respondent leased out the said property to the 2nd Respondent without the consent or/and authorization of me, the other Applicants and the three remaining administrators.
 8. I know as of fact that the 1st Respondent acted alone without the consent of us and other administrators in leasing out my late husband property to the 2nd Respondent.
 9. That the action of the 1st Respondent is not in our interest and same is prejudicial to me and the other Applicants.
 10. I know as of fact that the 2nd Respondent has commenced development on the said piece of land.
 11. That unless this Honourable Court restrains the Respondents from carrying out further development on the land, they will continue their unlawful acts to our detriment.
 12. That I and the other Applicants have come before this Honourable court to preserve the subject matter of the substantive suit.
 13. That it is in the interest of justice for this Honourable Court to grant this application.
 14. That I swear to this affidavit in good faith believing the content to be true and in accordance with the oath act 2004.

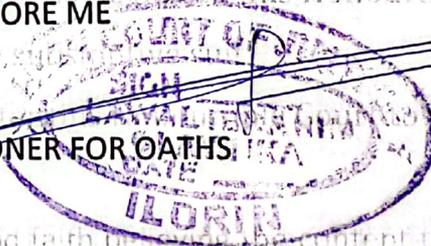
.....
 DEPONENT

SWORN AT THE HIGH COURT REGISTRY, ILORIN

DATED THIS.....^{28th}..... DAY OF.....^{oot}....., 2025

BEFORE ME

~~COMMISSIONER FOR OATHS~~



IN THE HIGH COURT OF JUSTICE OF KWARA STATE

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AND

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2. UNKNOWN PERSONSRespondents

WRITTEN ADDRESS IN SUPPORT OF THE MOTION EX PARTE

1.0. INTRODUCTION

This is an application for an interim injunction to restrain the Respondents from further dealing with or entering upon the Applicants' inherited property pending determination of the substantive matter.

2.0. ISSUE FOR DETERMINATION

"Whether the Applicants have shown sufficient grounds for the grant of an interim injunction to preserve the res pending determination of the suit."

3.0. ARGUMENT

3.1. It is our humble submission that an order of interlocutory injunction is one of the remedies available in law when there is need to prevent serious injury that may occur or likely to occur which would grievously or extensively affect the Claimant/Applicant adversely.

3.2. We submit that this Honourable Court has unfettered discretion to grant this application. The only overriding consideration is that such discretion must be exercised judicially and judiciously. Among the factors normally taken into consideration are:

- a) Whether the Applicant has acted promptly to safeguard its interest as delay could be fatal;

- Whether the Applicant conduct is beyond reproach; whether the remedy will occasion undue hardship on the Defendant;
- c) Whether damages will be adequate remedy,
 - d) Whether there is full disclosure of relevant facts and whether the Applicant is ready and willing to give an undertaking in damages e.t.c.

SEE MUSICAL COPYRIGHT SOCIETY NIG. LTD, V. DETAILS NIG. LTD. (1996) FHCLR 473 AT 482, PARA 1.

3.3. From the above mentioned case it is clear that this Honourable court has jurisdiction and power to grant the claimant's application as there is clear affidavit evidence that Respondents are making efforts to develop the property that belongs to the late father and husband of the Applicant without their consent which should be declared as malicious act from the Respondents.

3.4. An application for interlocutory injunction calls for the exercise of the court's discretionary powers which must be exercised judiciously and judicially. This Honourable Court has in a number of cases, set out the principles which will guide the court in granting an order of interlocutory injunction. SEE AKINPELU V. ADEGBORE (2008) 10 NWLR (PT. 1096) 531 AT 556, PARAGRAPHS A-G. SEE ALSO LEASING CO. (NIG.) LTD. V. TIGER IND. LTD. (2007) 14 NWLR (PT. 1054) 346 AT 374, PARAGRAPHS C-H. AT 384, PARAGRAPHS B-E, the Court of Appeal per Ogunbiyi J.C.A., succinctly put the purpose for interlocutory injunction and the principles guiding the grant of same in the following words:

"Conceptually, an interlocutory injunction is an order made pending the determination of a substantive suit. See *Obeya Memorial Hospital Vs. A. G. Federation (supra)*; *Ojukwu Vs. Governor of Lagos State (1986) 3 NWLR (Pt. 26) 39*. The primary object or purpose is to keep matters in status quo ante bellum, pending the time when the question at issue between the parties can be finally determined by the court. On principles guiding the application of this nature therefore, their Lordships at the apex court have laid down certain guidelines of important consideration by the court before deciding whether or not to issue an order of Interlocutory injunction".

The relevant authority in point is the case of *FALOWO V. BANIGBE (1998) 7 NWLR (PT. 559) 679* wherein the determinant factors are stated at page 694 as follows:

- (1) Applicant's real prospect of success in the right claimed.
- (ii) Balance of convenience.
- (iii) Status quo.
- (iv) Relative strength of the case of the parties.

act of the parties.

adequacy of payment of damages."

3.5. It is trite that in matters of discretion each case should be decided on its peculiar facts and circumstances and decided authorities are of little moment because the doctrine of stare decisis will unnecessarily hamper the exercise of discretion. We most humbly refer to the case of SHUAIBU V. MUAZU (2007) 7 NWLR (PT. 1033) 271 AT 305 PARAS, D-F. SEE ALSO BELLO V. YAKUBU (2008) 14 NWLR (PT. 1106) 104 AT 121 PARAS, A-C.

3.6. In the instant case, the affidavit evidence before the court is to the effect there is a likelihood that the Respondent might have dealt with the property of the Claimant wrongly before the determination of the substantive suit thereby making the claimant to suffer irreparable damage and these are the reasons this application is sought to prevent injustice.

3.7. From the facts of the affidavit it is evident that there is imminent threat to the Claimants/Applicants late father and husband's property which the Respondents have no authority to deal with as they like and same is the subject matter of this suit.

3.9. The settled position of the law is that the object of an Interlocutory injunction is to protect an Applicant against an injury which may be occasioned by the violation of his right for which he cannot be adequately compensated in damages if the dispute is eventually resulted in his favour at the trial. See Stallion (Nig.) Ltd. v. E.F.C.C. (2008) 7 NWLR (Pt. 1087) 461 at 473, paragraphs D-E. Thus, an important consideration that will weigh on the mind of the court in taking a decision on whether to grant or refuse an application for Interlocutory injunction is the balance of convenience of the parties. In IGP v. Fayose (2007) 9 NWLR (Pt. 1039) 263 at 276-277, paragraphs H-B, the Court of Appeal per Ogundare JSC held as follows:

"In deciding whether to grant an interlocutory injunction in any case, a court ought to take into consideration the balance of convenience to the parties and the nature of injury which the Defendants would suffer if injunction was granted if the case is subsequently decided in their favour and that which the plaintiffs on the other hand, might sustain if the injunction was refused and they ultimately obtain judgment in their favour. In exercising its discretion to grant or refuse an order of interlocutory injunction the court must do so judiciously and judicially. See Kotoye v. CBN (1989) 1 NWLR (Pt. 98) 419."

3.10. It is therefore our humble submission that from the affidavit evidence before this Honourable court, the Claimants/Applicants has established that the 1st Respondent has acted in contradiction to his duty as the administrator of the property of the late

and father of the Applicants when he leased out the property in question to Respondent without the consent and authority of the Applicants and the other administrators. We urge the court to so hold.

3.11. It is also our humble submission that the balance of convenience is in favour of the Claimant in this case, because if the 2nd Respondent should go ahead and developed the property illegally leased to them by the 1st Respondent without the consent of the Applicants, the res in this case will be destroyed to the detriment of the Claimants/Applicants while the Respondents have nothing to lose if this order is granted.

3.12. Having regard to the foregoing, we submit that the Claimants/Applicants have complied with all the requirements for the exercise of the court's discretion in their favour. Therefore, the discretion of this Honourable court ought to be exercised in favour of the Claimants/Applicants and it will be in the interest of justice to grant this application.

3.13 We therefore, urge your Lordship to resolve this issue in favour of the Claimants/Applicants by granting all the reliefs sought as contained on the face of the Motion paper.

4.0. CONCLUSION

4.1 We urge your Lordship to grant this application and order the Defendants/Respondents not to tamper with the property used as collateral pending the conclusion of the substantive case.

DATED THIS 28th DAY OF Oct, 2025

BILKISU TINUOLA GAMBARI
(FOR ALL THE Applicants)

NO. 5, SANI LAWAL CLOSE,
OFF OLA HERALD ROAD, GRA, ILORIN,
Kwara State.