FEDERAL HIGH COURT
ABUJA
21 OCT 2026
CASHIER:

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IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

HOLDING AT ABUJA

FHC/ABJ/CS/2558/2026

SUIT NO: FHC/ABJ/CS/2558/2026

BETWEEN:

BIZPLUS CONSULTING SERVICES LTD PLAINTIFF/APPLICANT

AND

1. MR. CHUKWUEMEKA TONY UBANI

(Director of Enforcement, High Court of the FCT)

2. JUDICIAL SERVICE COMMITTEE OF THE FEDERAL CAPITAL TERRITORY

3. NATIONAL JUDICIAL COUNCIL

4. PRESIDENT, FEDERAL REPUBLIC OF NIGERIA

DEFENDANTS/RESPONDENTS

MOTION ON NOTICE FOR INTERLOCUTORY INJUNCTION

BROUGHT PURSUANT TO ORDER 26 RULES 1 & 2 OF THE FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES 2019 AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.

TAKE NOTICE that this Honourable Court will be moved on the _____ day of _____ 2026 at the hour of 9 o'clock in the forenoon, or so soon thereafter as Counsel may be heard on behalf of the Plaintiff/Applicant, praying this Honourable Court for:

1. **AN ORDER OF INTERLOCUTORY INJUNCTION** restraining the 2nd and 3rd Defendants/Respondents, whether by themselves, their organs, committees, members, officers, servants, or agents,

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from further screening, interviewing, shortlisting, evaluating, recommending, or presenting the 1st Defendant/Respondent (**Mr. Chukwuemeka Tony Ubani**) to any authority for elevation or appointment as a Judge of the High Court of the Federal Capital Territory, pending the final hearing and determination of the substantive Originating Summons filed in this suit.

2. **AN ORDER** directing that where such screening, interviewing, shortlisting, evaluating, or recommending of the 1st Defendant/Respondent has already taken place or been concluded by the 2nd and/or 3rd Defendants/Respondents, the legal effect, operation, and enforcement of same be **suspended or frozen forthwith**, and the implementation of any step arising therefrom be stayed pending the final hearing and determination of the substantive Originating Summons.
3. **AN ORDER OF INTERLOCUTORY INJUNCTION** restraining the 1st Defendant/Respondent from presenting himself to the 2nd and 3rd Defendants/Respondents, or taking any further step to advance his candidacy for elevation to the Bench of the High Court of the Federal Capital Territory, pending the final hearing and determination of the substantive Originating Summons.
4. **AND FOR SUCH FURTHER ORDER(S)** as this Honourable Court may deem fit to make in the circumstances.

GROUNDS FOR THE APPLICATION:

1. The Applicant has initiated a valid substantive suit via an Originating Summons raising substantial, trial-worthy legal and constitutional questions regarding the threshold of integrity, institutional candour, and compliance required for judicial elevation.

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2. The Applicant has an active, unresolved administrative character petition pending before the 2nd and 3rd Respondents detailing severe inconsistencies and administrative breaches committed by the 1st Respondent.
3. While the 1st Respondent's formal written dispatch dated 4 May 2026 certified that no legal impediment existed against the execution of a judgment sum, his subsequent underhand telephone disclaimer on 4 September 2026 abruptly disavowed the operation, subverting the court process and compromising law enforcement machinery.
4. The 2nd and 3rd Respondents are actively proceeding with the evaluation and selection process for the appointment of FCT High Court Judges, and unless restrained by an order of this Court, they will proceed to recommend or elevate the 1st Respondent.
5. A dynamic and precautionary order freezing the legal effects of any steps already taken is necessary to protect the subject matter of this suit from being destroyed or overtaken by swift administrative actions before the court hears the application.
6. Advancing or appointing a candidate with an active, uninvestigated challenge to his administrative integrity will inflict permanent, irremediable damage on the sanctity of the judiciary and destroy public confidence in the administration of justice.
7. The balance of convenience heavily favors the Applicant, as the status quo ought to be preserved to prevent rendering any final judgment of this Honourable Court entirely nugatory.
8. The Applicant is willing and prepared to enter into an undertaking to pay damages to the Respondents should this application be found to be frivolous.

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DATED THIS 20TH DAY OF OCTOBER, 2026.

.....

KELECHI ANWU, ESQ.
Applicants' Counsel
ANWU & ASSOCIATES
B5 Tail Solarin Avenue, Gwarinpa
kelechianwu@gmail.com
08065762816

FOR SERVICE ON THE DEFENDANTS/RESPONDENTS:

1ST DEFENDANT/RESPONDENT:

MR. CHUKWUEMEKA TONY UBANI
Directorate of Enforcement,
High Court of the Federal Capital Territory Complex,
Maitama, Abuja.

2ND DEFENDANT/RESPONDENT:

JUDICIAL SERVICE COMMITTEE OF THE FEDERAL CAPITAL TERRITORY
FCT High Court Complex,
Maitama, Abuja.

3RD DEFENDANT/RESPONDENT:

NATIONAL JUDICIAL COUNCIL
Supreme Court Complex,
Three Arms Zone,
Abuja.

4TH DEFENDANT/RESPONDENT:

PRESIDENT, FEDERAL REPUBLIC OF NIGERIA

Federal Ministry of Justice,

Plot 71, Central Business District,

Abuja.

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IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

HOLDING AT ABUJA

SUIT NO: FHC/ABJ/CS/_____/2026

BETWEEN:

BIZPLUS CONSULTING SERVICES LTD

(Acting through its Officer and Authorized Representative, Dr. Maurice Ibe)

PLAINTIFF/APPLICANT

AND

1. MR. CHUKWUEMEKA TONY UBANI

(Director of Enforcement, High Court of the FCT)

2. JUDICIAL SERVICE COMMITTEE OF THE FEDERAL CAPITAL TERRITORY

3. NATIONAL JUDICIAL COUNCIL

4. PRESIDENT, FEDERAL REPUBLIC OF NIGERIA

DEFENDANTS/RESPONDENTS

AFFIDAVIT IN SUPPORT OF MOTION FOR INTERLOCUTORY INJUNCTION

I, **Dr. Maurice Ibe**, Male, Christian, citizen of the Federal Republic of Nigeria, and an Officer of the Plaintiff/Applicant company, residing at 5 Vistula Close, Maitama FCT-Abuja, do hereby make Oath and state as follows:

1. I am an Officer and the Authorized Representative of the Plaintiff/Applicant in this suit, and by virtue of my position, I am

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thoroughly familiar with the facts and administrative circumstances surrounding this matter.

2. I have the explicit consent and authority of the Plaintiff/Applicant to depose to this Affidavit.
3. The Plaintiff/Applicant has concurrently filed an Originating Summons in this suit, seeking the interpretation of constitutional provisions and selection guidelines governing the appointment of judicial officers in Nigeria.
4. The Plaintiff is a judgment creditor in Suit No. FCT/HC/CV/3693/2025 (*Bizplus Consulting Services Ltd & Anor. v. Government of Benue State & Anor.*), where a valid **Garnishee Order Absolute** was issued by the High Court of the FCT on 4 December 2025.
5. In full compliance with internal workflow rules—which mandate that the Director of Enforcement can only activate law enforcement assistance after the Chief Judge has appended written clearance—the 1st Respondent issued a formal official letter on 4 May 2026 requesting Police assistance to execute the judgment, explicitly certifying that no adverse legal impediments existed against the judgment sum.
6. On 4 September 2026, based on the strength of the judicial warrants and the 1st Respondent's formal mobilization request, tactical officers from the Police Intelligence Response Team (IRT) accompanied the Applicant's representatives to execute the court order at United Bank for Africa Plc (UBA).
7. UBA Plc resisted the execution operation by advancing its own interpretations of a Court of Appeal *status quo* order, forcing the tactical operation to be stood down temporarily to maintain public peace.

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8. Following the suspension of the execution, the management of the Applicant company attended a physical meeting with the Principal Staff Officer (PSO) to the Inspector-General of Police to address the operational bottleneck and clear the resistance raised by the bank.

9. During the course of that meeting, the Principal Staff Officer (PSO) explicitly revealed to the Applicant's management that when the standoff occurred at the bank premises, the 1st Respondent was called over the telephone, and upon being spoken to, the 1st Respondent disclaimed the approval for the operation, asserting that he did not authorize the specific enforcement exercise.

10. The 1st Respondent's volatile telephone disclaimer directly countermanded the workflow clearance of his own Head of Court and the clear representations contained in his own formal official dispatch of 4 May 2026.

11. By mobilizing an armed tactical unit to a commercial entity and subsequently withdrawing administrative cover via an unrecorded telephone disavowal, the 1st Respondent exposed armed law enforcement officers to severe operational risks, public embarrassment, and legal liability.

12. Prompted by this deep breach of administrative honesty and candour, the Applicant submitted a formal administrative petition against the 1st Defendant to the 2nd and 3rd Defendants, which is currently pending unresolved.

13. I have reliable information and reasonably believe it to be true that the 1st Respondent is currently undergoing active shortlisting, screening, and consideration by the 2nd and 3rd Respondents for elevation to the Bench as a Judge of the High Court of the FCT.

14. The statutory and constitutional frameworks guiding judicial selections require candidates to be individuals of impeccable

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transparency, flawless reputation, and absolute administrative integrity.

15. If the 2nd and 3rd Respondents are not restrained and proceed to screen, recommend, or advance the 1st Respondent's appointment while these severe character contradictions remain uninvestigated, it will cause permanent and irremediable damage to the sanctity of the Bench.

16. In the event that any or all of the stages of screening, interviewing, shortlisting, evaluating, or recommending have already taken place prior to or during the pendency of this application, it is crucially vital that the legal effect and operation of those specific steps be frozen immediately to avoid presenting this Court with an uncorrectable state of affairs.

17. The substantive suit raises serious, trial-worthy constitutional questions, and it is in the interest of justice that the status quo be preserved until those questions are determined.

18. The balance of convenience heavily favors the Applicant, as the respondents will suffer no injury if the screening of a single candidate is suspended temporarily, whereas the public and the judiciary will suffer irreparable institutional injury if a compromised candidate is elevated.

19. Unless the 2nd and 3rd Respondents are restrained, they will proceed with the recommendation process, thereby presenting a *fait accompli* and rendering the final judgment of this Honourable Court completely nugatory.

20. **UNDERTAKING AS TO DAMAGES:** On behalf of the Plaintiff/Applicant, I hereby give a formal and solemn **Undertaking as to Damages** to this Honourable Court, that the Plaintiff/Applicant will pay and indemnify the Defendants/Respondents for any costs,

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damages, or financial loss they may sustain as a result of the granting of the interlocutory injunction protected by this application, should it subsequently turn out that this application is frivolous, unmeritorious, or that the Plaintiff/Applicant ought not to have been granted the restraining orders.

21. I depose to this Affidavit in total good faith, conscientiously believing its contents to be true and correct in accordance with the Oaths Act.

DEPONENT

Sworn to at the Federal High Court Registry, Abuja,

This 21st **day of** October **2026.**

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA
SIGN:
DATE: 21/10/26

BEFORE ME

COMMISSIONER FOR OATHS

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IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

HOLDING AT ABUJA

SUIT NO: FHC/ABJ/CS/_____/2026

BETWEEN:

BIZPLUS CONSULTING SERVICES LTD

(Acting through its Officer and Authorized Representative, Dr. Maurice Ibe)

PLAINTIFF/APPLICANT

AND

1. MR. CHUKWUEMEKA TONY UBANI

(Director of Enforcement, High Court of the FCT)

2. JUDICIAL SERVICE COMMITTEE OF THE FEDERAL CAPITAL TERRITORY

3. NATIONAL JUDICIAL COUNCIL

4. PRESIDENT, FEDERAL REPUBLIC OF NIGERIA

DEFENDANTS/RESPONDENTS

PLAINTIFF/APPLICANT'S WRITTEN ADDRESS IN SUPPORT OF MOTION ON NOTICE FOR INTERLOCUTORY INJUNCTION

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1. INTRODUCTION

This is a Written Address in support of the Plaintiff/Applicant's Motion on Notice dated 11th September, 2026. The application is brought pursuant to Order 26 Rules 1 & 2 of the Federal High Court (Civil Procedure) Rules 2019 and the inherent jurisdiction of this Honourable Court.

The Applicant seeks an order of interlocutory injunction restraining the 2nd and 3rd Respondents from further screening, interviewing, shortlisting, evaluating, recommending, or presenting the 1st Respondent for elevation or appointment as a Judge of the High Court of the Federal Capital Territory, pending the determination of the substantive suit. Proactively, the Applicant also seeks an order suspending or freezing the legal effect of any such selection or recommendation stages if they have already occurred, alongside a restraining order against the 1st Respondent from advancing his candidacy.

2. STATEMENT OF FACTS

The Applicant is a judgment creditor who obtained a valid Garnishee Order Absolute on 4 December 2025 (**Exhibit B1**) and a Writ of Execution on 5 December 2025 (**Exhibit B2**) from the High Court of the FCT. In strict alignment with internal workflow rules—which require the approval of the Honourable Chief Judge—the 1st Respondent issued a formal dispatch on 4 May 2026 (**Exhibit B4**) requesting Police assistance to execute the judgment, certifying that no adverse legal impediments existed.

However, during an active enforcement operation at UBA Plc on 4 September 2026, the operation faced corporate resistance. During a subsequent operational standoff meeting between the Applicant's management and the Principal Staff Officer (PSO) to the Inspector-General of Police to clear the bottleneck, the PSO explicitly revealed that

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the 1st Respondent had been called over the telephone mid-stream during the standoff, and upon that call, he completely disclaimed the approval for the operation, asserting that he did not authorize it. This sudden telephone disavowal synchronized with the resisting bank, compromised the security of tactical police units, and countermanded the workflow clearance of his own Head of Court.

Consequently, the Applicant submitted a formal character petition (**Exhibit B5**) to the 2nd and 3rd Respondents. Despite this deep, unresolved challenge to his integrity and transparency, the 1st Respondent is being actively considered for elevation to the Bench. The material facts are fully detailed in the accompanying 21-paragraph affidavit deposed to by Dr. Maurice Ibe, which includes a formal Undertaking as to Damages.

3. ISSUE FOR DETERMINATION

Whether the Applicant has satisfied the legal requirements to warrant this Honourable Court granting an order of interlocutory injunction and a freezing order to preserve the status quo pending the determination of the substantive suit?

4. LEGAL ARGUMENTS

The principles governing the grant of an interlocutory injunction are well-settled. The Applicant must establish: the existence of a serious question to be tried, the balance of convenience, irreparable injury, a clean record of conduct, and a valid undertaking as to damages. We submit that the Applicant has satisfied these requirements comprehensively.

A. Existence of a Serious Question to be Tried

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An applicant does not need to prove their substantive case at this stage; they only need to show that the claim is not frivolous or vexatious, and that there are serious questions of law or fact to be determined by the court. In **Obeya Memorial Specialist Hospital v. PRESIDENT, FEDERAL REPUBLIC OF NIGERIA (1987) 3 NWLR (Pt. 60) 325**, the Supreme Court held that a serious question to be tried is established if the statement of claim or affidavit discloses a real triable issue.

In this case, the substantive suit raises grave constitutional questions regarding Section 153 and Paragraph 21(c) of the Third Schedule to the 1999 Constitution (as amended). The court is called upon to determine whether a public officer who acts with institutional duplicity, issues back-channel telephone disclaimers that subvert a judicially cleared execution, and exposes armed tactical units to severe operational risk can be deemed fit for elevation under the Revised NJC Guidelines. These are profound, triable legal queries that cannot be dismissed as frivolous.

B. Irreparable Injury and Preservation of the Res (Subject Matter)

An interlocutory injunction is primarily designed to protect the applicant against injury that cannot be adequately compensated by damages if the substantive case succeeds. In **Kotoye v. CBN (1989) 1 NWLR (Pt. 98) 419**, the Supreme Court stated that the court must act to prevent a state of affairs that would render the ultimate judgment completely nugatory.

If the 2nd and 3rd Respondents are not restrained and proceed to recommend or elevate the 1st Respondent to the Bench during the pendency of this suit, the *res* (the integrity and slot of the judicial selection process) will be permanently overtaken. The appointment of a judicial officer is an act of sovereign elevation; once completed, it creates an entirely different legal matrix that damages public confidence irreversibly.

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Damages cannot compensate the Applicant or the public for the institutional injury of having a compromised candidate advanced to the hallowed position of a High Court Judge. Consequently, the proactive order suspending or freezing the legal effect of any selection stage already completed is essential to maintain a clear status quo.

C. Balance of Convenience

The court must weigh the hardship the applicant will suffer if the injunction is refused against the inconvenience the respondent will face if it is granted. We submit that the balance of convenience heavily favors the Applicant. If the injunction is granted, the 2nd and 3rd Respondents merely suspend the evaluation of a single candidate until his integrity is cleared. The selection framework itself suffers no systemic delay. Conversely, if refused, the Applicant's substantive suit is rendered completely dead and academic before it can be heard, resulting in total injustice.

E. Undertaking as to Damages

A valid undertaking as to damages is the bedrock of an interlocutory application. As confirmed in Paragraph 20 of the supporting affidavit, the Applicant has formally given a solemn undertaking to indemnify the Respondents for any costs or damages they may incur should this application be found unmeritorious or frivolous. This completely satisfies the mandatory procedural requirement laid down in **Kotoye v. CBN (supra)**.

5. CONCLUSION

The 1st Respondent's contradictory phone disavowal of a judicially approved execution workflow poses severe challenges to his suitability for judicial office. To allow his screening, recommendation, or elevation to

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proceed under these conditions would amount to a complete subversion of public trust.

We respectfully urge this Honourable Court to protect the sanctity of the justice system, answer the issue in favour of the Applicant, and grant all the reliefs sought on the Motion paper.

DATED THIS 20TH DAY OF OCTOBER, 2026.

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KELECHI ANWU, ESQ
Applicants' Counsel
ANWU & ASSOCIATES
B5 Tail Solarin Avenue, Gwarinpa
kelechianwu@gmail.com
08065762816

FOR SERVICE ON THE DEFENDANTS/RESPONDENTS:

1ST DEFENDANT/RESPONDENT:
MR. CHUKWUEMEKA TONY UBANI
Directorate of Enforcement,
High Court of the Federal Capital Territory Complex,
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Supreme Court Complex,

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4TH DEFENDANT/RESPONDENT:

PRESIDENT, FEDERAL REPUBLIC OF NIGERIA

Federal Ministry of Justice,

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