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IN THE FEDERAL HIGH COURT
IN THE PORT HARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT

SUIT NO. FHC/PH/CS/02/2025

[Signature]
2/5/25
2:00pm

BETWEEN

FIRST BANK OF NIGERIA LIMITED -----

PLAINTIFF/RESPONDENT

AND

1. GENERAL HYDROCARBONS LIMITED
2. THE CARGO OF CRUDE OIL ON BOARD FPSO TAMARA TOKONI
3. OWNERS/OPERATORS OF THE FPSO TAMARA TOKONI
4. THE MASTER, FPSO TAMARA TOKONI

[Signature]
DEFENDANTS/APPLICANTS

MOTION EX PARTE

BROUGHT PURSUANT TO ORDER 26 RULE 6 (1) OF THE FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES 2019, AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT

THIS HONOURABLE COURT shall be moved on the ____ day of _____ 2025 at the hour of 9 o'clock in the forenoon or so soon thereafter as counsel may be heard on behalf of the defendants/applicants ("applicants") praying the Court for the following:

1. AN ORDER that the order of the Honourable Court made on 25th March 2025, dismissing this suit and discharging the order of arrest made on 9th January 2025 should be served on the parties to the suit, including the relevant authorities directed to assist the Admiralty Marshall to enforce the said order, *to wit:* the Nigerian Navy, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), the Nigerian Maritime Administration and Safety Agency (NIMASA), and the Harbour Master of the Nigerian Ports Authority.

[Signature]

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PORT HARCOURT JUDICIAL DIVISION
BAADOM J.
REGISTRAR

2. **AN ORDER** that the order of the Honourable Court made on 29th April 2025, dismissing the Plaintiff's application for injunction pending appeal should be served on the parties to the suit, including the relevant authorities directed to assist the Admiralty Marshall to enforce the order of arrest, *to wit*: the Nigerian Navy, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), the Nigerian Maritime Administration and Safety Agency (NIMASA), and the Harbour Master of the Nigerian Ports Authority.
3. **AN ORDER** that the Deputy Chief Registrar should serve the orders of the Honourable Court made on 25th March 2025 and 29th April 2025 identified in reliefs 1 & 2 above on the parties to the suit, including the relevant authorities directed to assist the Admiralty Marshall to enforce the order of arrest, *to wit*: the Nigerian Navy, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), the Nigerian Maritime Administration and Safety Agency (NIMASA), and the Harbour Master of the Nigerian Ports Authority.
4. **AND** for such further order(s) as this Honourable Court may deem fit to make in the circumstances.

TAKE FURTHER NOTICE that the grounds upon which this application is brought are that:

1. By an interim order made on 9th January 2025, this Honourable Court ordered the arrest and detention of the cargo of crude oil on board the FPSO Tamara Tokoni ("the 2nd defendant/applicant").
2. By the said order, the Nigerian Navy, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), the Nigerian Maritime Administration and Safety Agency (NIMASA), and the Harbour Master of the Nigerian Ports Authority were directed to assist the Admiralty Marshall to enforce the order of arrest.

13/5/25

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PORT HARCOURT DIVISION
BAADOM J.
(REGISTRAR)

3. The applicants subsequently filed an application dated 17th January 2025, seeking the setting aside of the interim arrest order of this Honourable Court made on 9th January 2025. The applicants also filed a notice of preliminary objection to dismiss the suit *inter alia* for abuse of court process.
4. Following the applicants' applications to set aside the order of arrest made on 9th January 2025 and to dismiss the suit for abuse of court process, this Honourable Court in a considered ruling delivered on 25th March 2025, dismissed the suit and set aside the order of arrest made on 9th January 2025 primarily on the basis of the plaintiff/respondent's (the plaintiff) abuse of court process.
5. Upon the application of counsel to the applicants at the proceedings of the court on 29th April 2025, the Honourable Court directed the Deputy Chief Registrar to serve the order of court made on 25th March 2025, discharging the order of arrest, including the order of court made on 29th April 2025.
6. In spite of the orders of the Honourable Court made on 25th March 2025, vacating and setting aside the interim order of this Honourable Court made on 9th January 2025, and the order of 29th April 2025, directing the Deputy Chief Registrar to serve the orders of court on the relevant parties, the Deputy Chief Registrar has failed and/or refused to serve the orders of court.
7. This application is necessary to ensure that the parties to this suit, including the relevant authorities enforcing the order of arrest made on 9th January 2025 are aware of the orders of court made on 25th March 2025 and 29th April 2025.

13/4/25

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8. It is in the interest of justice to grant this application.

DATED this 2nd day of May 2025.

Ogechukwu

Dr. A. I. Layonu SAN, FC Arb
Yakubu Galadima

George Ochima

Ogechukwu Akpuogwu

Counsel for the Applicant

Marble Partners

22B Ahmad Tijani Street

Off Victoria Arobieke Street

Lekki Phase 1, Lagos State.

NIN - 44277894812 info@layonuandco.com ccaron@nigerianbar.ng

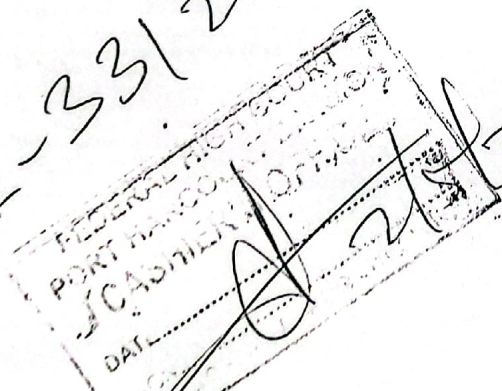
Tel: 09030137711

Address within jurisdiction

No. 3 William Jumbo Street, Old GRA

Port Harcourt

ref-3312-5073-7801



M/H - 200.00
Ref - 200.00
S/O - 200.00
W/Adl - 200.00
Oath - 100.00
2500 - 40.00



4
640.00



1,974

SUPREME COURT OF NIGERIA

OFFICE OF THE CHIEF REGISTRAR

Three Arms Complex, Central District, PMB 308, Abuja

Payment Receipt

NATIONAL SECRETARIAT

NBA House, Plot 1101 Mohammadu,

Buhari Way, Central Business District,

Abuja, F.C.T Nigeria

nigerianbar.org.ng

info@nigerianbar.org.ng

+234-800-33-111



Payment date: 25th Jan, 2024

Payment Reference:

759274962557686

PAYER INFORMATION

Name OGECHUKWU FRANCISCA AKPUOGWU

Payee Branch Lagos

Enrollment No. SCN133597

Email ogechukwuakpuogwu@gmail.com

Year of Call 2021

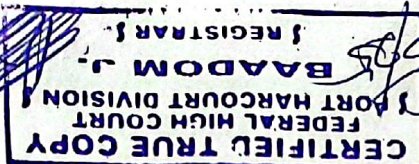
PAYMENT DETAILS

PAYMENT DATE	PAYMENT REF.	PAYMENT DESCRIPTION	AMOUNT N	CHARGES N	VAT N	TOTAL N
25th Jan, 2024	759274962557686	Bar Practicing Fee	5,000	0.00	0.00	5,000

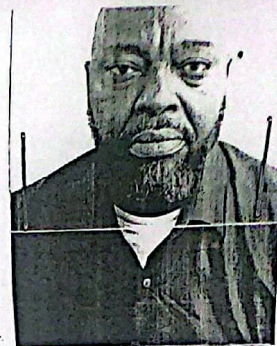
PAYMENT CHANNEL INFORMATION

TRANSITION	STATUS	PAYMENT TYPE	PAYMENT YEAR	BILLING METHOD
NBA Portal	Successful	BPF	2024	

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FEDERAL HIGH COURT
PORT HARCOURT DIVISION
BAADOM J.
REGISTRAR



1,975



IN THE FEDERAL HIGH COURT
IN THE PORT HARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT

SUIT NO. FHC/PH/CS/02/2025

BETWEEN

FIRST BANK OF NIGERIA LIMITED ----- PLAINTIFF/RESPONDENT

AND

1. GENERAL HYDROCARBONS LIMITED
2. THE CARGO OF CRUDE OIL ON BOARD
FPSO TAMARA TOKONI
3. OWNERS/OPERATORS OF THE FPSO
TAMARA TOKONI
4. THE MASTER, FPSO TAMARA TOKONI

DEFENDANTS/APPLICANTS

AFFIDAVIT SUPPORTING THE APPLICANTS' MOTION EX PARTE

I, Peter Ogbegie, male, adult, Christian, Nigerian, of the 1st defendants/applicants' operational base by Total Energies Base, Federal Lighter Terminal, Onne Port complex, Port Harcourt, Rivers State do hereby make oath and state that:

1. I am the logistics/materials manager of the 1st defendant/applicant, by virtue of which I am familiar with the facts deposed to hereunder.
2. I have the consent of the defendants/applicants (the applicants) to depose to this affidavit and the facts deposed to are, unless otherwise stated: (1) facts within my personal knowledge by virtue of my aforesaid position, (2) if the facts are not within my personal knowledge, they are gotten from information in documents made available to me pertaining to this summons which I have read and verily believe to be true or from information relayed to me of which I verily believe to be true.



1, 976

3. The plaintiff/respondent filed an interim application dated 6th January 2025, on 9th January 2025, primarily seeking the arrest and detention of the cargo of crude oil onboard FPSO Tamara Tokoni (the 2nd defendant/applicant).
4. On 9th January 2025, this Honourable Court granted the plaintiff/respondent's interim application for the arrest and detention of the cargo of crude oil onboard FPSO Tamara Tokoni ("the 2nd defendant/applicant").
5. By the said order, the Honourable Court directed the Nigerian Navy, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), the Nigerian Maritime Administration and Safety Agency (NIMASA), and the Harbour Master of the Nigerian Ports Authority to assist the Admiralty Marshall to enforce the order of arrest.
6. The applicants subsequently filed an application dated 17th January 2025, seeking the setting aside of the interim arrest order of this Honourable Court made on 9th January 2025. The applicants also filed a notice of preliminary objection to dismiss the suit *inter alia* for abuse of court process.
7. Following the applicants' applications to set aside the order of arrest made on 9th January 2025 and to dismiss the suit for abuse of court process, this Honourable Court in a considered ruling delivered on 25th March 2025, dismissed the suit and set aside the order of arrest made on 9th January 2025 primarily on the basis of the plaintiff/respondent's (the plaintiff) abuse of court process. *The certified true copy of the enrolled order of 25th March 2025 is attached herewith as Exhibit A.*
8. Upon the application of counsel to the applicants at the proceedings of the court on 29th April 2025, the Honourable Court directed the Deputy Chief Registrar to serve the order of court made on 25th March 2025, discharging the order of arrest, including the order of court made on 29th April 2025. *The certified true copy of the enrolled order of 29th April 2025 is attached herewith as Exhibit B.*

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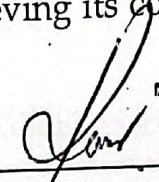
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PORT HARCOURT DIVISION
BAADOM J.
REGISTRAR

9. In spite of the orders of the Honourable Court made on 25th March 2025, vacating and setting aside the interim order of this Honourable Court made on 9th January 2025, and the order of 29th April 2025, directing the Deputy Chief Registrar to serve the orders of court on the relevant parties, the Deputy Chief Registrar has failed and/or refused to serve the orders of court.
10. Presently, the parties directed to assist the Admiralty Marshall to enforce the order of arrest (i.e the Nigerian Navy, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), the Nigerian Maritime Administration and Safety Agency (NIMASA), and the Harbour Master of the Nigerian Ports Authority) are unaware of the orders of court made on 25th March 2025 and 29th April 2025, as they have not been served by the Deputy Chief Registrar.
11. The applicants require the further order of this Honourable Court to ensure that the parties to this suit, including the relevant authorities enforcing the order of arrest made on 9th January 2025 are aware of the orders of court made on 25th March 2025 and 29th April 2025 (*attached herewith as exhibits A & B respectively*).
12. I believe that it is in the interest of justice this application be granted.
13. I believe that the respondents will not be prejudiced in any way by the grant of the reliefs sought in this application.

13/4/25
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PORT HARCOURT DIVISION
BAADOM J.
REGISTRAR

1,978

14. I depose to this affidavit in good faith conscientiously believing its content to be true, correct, and in accordance with the Oaths Act.

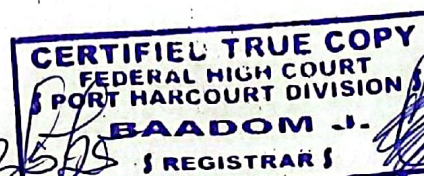
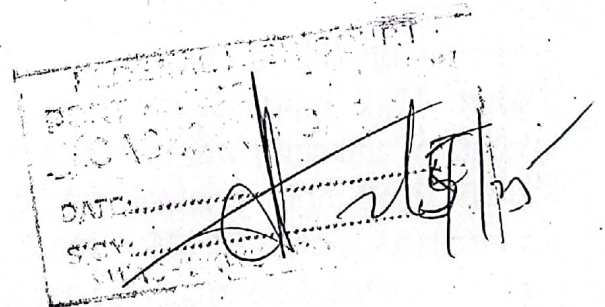

DEPONENT

SWORN at the registry
of the Federal High Court
Port Harcourt Judicial Division
this 2nd day of May 2025

BEFORE ME



COMMISSIONER FOR OATHS



1,979

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE PORTHARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT
BEFORE HIS LORDSHIP, HON. JUSTICE E. A. OBILE
(JUDGE)

SUIT NO: FHC/PH/CS/02/2025

BETWEEN:

FIRST BANK OF NIGERIA LIMITED

...

PLAINTIFF/
RESPONDENT

AND

1. GENERAL HYDROCARBON LIMITED
2. THE CARGO OF CRUDE OIL
ON BOARD FPSO TAMARA TOKONI
3. OWNERS/OPERATORS OF THE
FPSO TAMARA TOKONI
4. THE MASTERS, FPSO TAMARA TOKONI

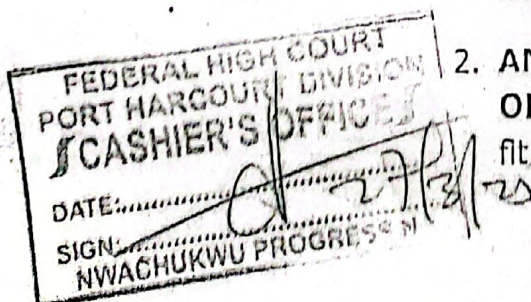
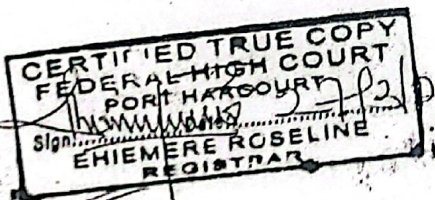


DEFENDANTS/
APPLICANTS

ORDER

UPON THIS MOTION ON NOTICE dated and filed on 18th of February 2025 coming up before this Honorable Court wherein Defendants/Applicants praying for the following order:

1. **AN ORDER** that the Orders of this Honourable Court made on 9th of January 2025 have elapsed by operation of law pursuant to Order 26 Rule 10 of the Federal High Court (Civil Procedure) Rules 2019, the Applicants' application to set aside the said orders having not been heard within fourteen (14) days of filing the Applicants' application.
2. **AND FOR SUCH ORDERS OR FURTHER ORDER (S)** as the Honorable Court may deem fit to make in the circumstances.



6, 980
AND UPON READING the Affidavit and Further Affidavit deposed to by PETER OGBEGIE, Male, Adult, Christian, Nigerian of GHIL operational base by Total Energies Base, Federal Lighter Terminal, Onne Port complex, Port Harcourt, Rivers State. Attached also is a Written Address filed at this Court's Registry.

And in opposition to the motion on notice the Plaintiff/Respondent filed Counter Affidavit deposed to by Ugochukwu Ifukor, the Area Legal Manager, Port Harcourt, Hub Legal Services Department. And attached is a Written Address filed at this Court's Registry.

AND AFTER HEARING the submissions of Dr. A.I LAYONU SAN for the Defendants/Applicants with YAKUBU GALADIMA, ESQ, E.L OODEE, ESQ and B.S AZIACA, ESQ and VICTOR OGUDE, SAN with E.C UNACHUKWU, ESQ for the Plaintiff/Respondent and urge the court to grant their application.

AND THE COURT having considered the submissions of counsel rule this 25th day of March 2025.

IT IS HEREBY ORDERED AS FOLLOWS:

1. THAT ORDER is made setting aside and vacating the Order of this Honourable Court granted on the 9th day of January, 2025.
2. THAT ORDER is made setting aside and vacating the warrant of arrest and detention order granted by this Honourable Court against the Defendants on the 9th day of January, 2025.

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PORT HARCOURT DIVISION
BAADOM J.
REGISTRAR

HON. JUSTICE E.A. OBILE
(JUDGE)

FEDERAL HIGH COURT
PORT HARCOURT DIVISION
CASHIER'S OFFICE
DATE 27/3/25
SIGN NWACHUKWU

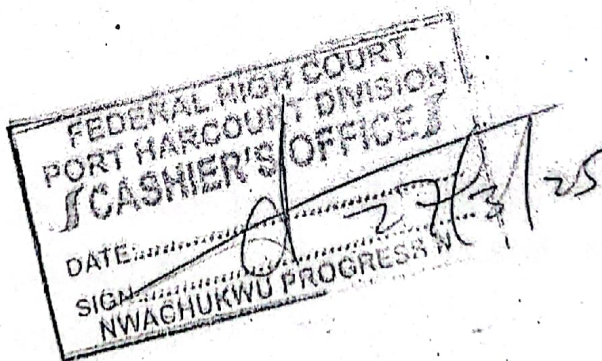
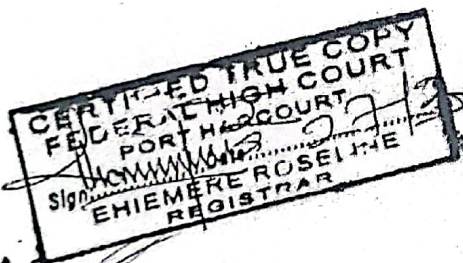
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PORT HARCOURT
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REGISTRAR

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3. **THAT** the inevitable conclusion which I arrive at in this suit is that the Plaintiff's suit is lacking in merits and is hereby dismissed.

4. **THAT** I make no order as to cost.

ISSUED AT PORT HARCOURT under the Seal of the Honourable Court and the Hand of the Presiding Judge, this 25th day of March, 2025.


CHUKWUKA C. NGOZI (MRS)
Registrar



1983

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE PORT HARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT
BEFORE HIS LORDSHIP, HON. JUSTICE E. A. OBILE
(JUDGE)

SUIT NO: FHC/PH/CS/02/2025

BETWEEN:

FIRST BANK OF NIGERIA LIMITED

PLAINTIFF

AND

1. GENERAL HYDROCARBONS LIMITED
2. THE CARGO OF CRUDE OIL ON BOARD
FPSO TAMARA TOKONI
3. OWNERS/OPERATORS OF THE FPSO
TAMARA TOKONI
4. THE MASTER, FPSO TAMARA TOKONI

DEFENDANTS

ORDER

UPON THIS coming up before this Honourable Court:

Parties are absent in Court.

E. C. UNACHUKWU, ESQ for the Plaintiff.

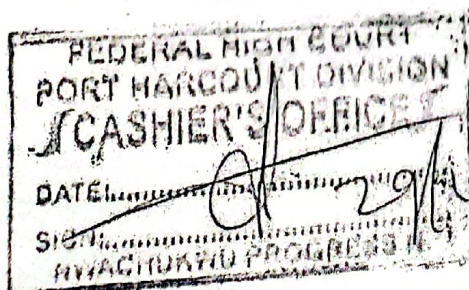
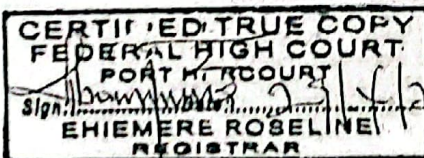
DR. A. I. LAYONU, SAN for the Defendants/

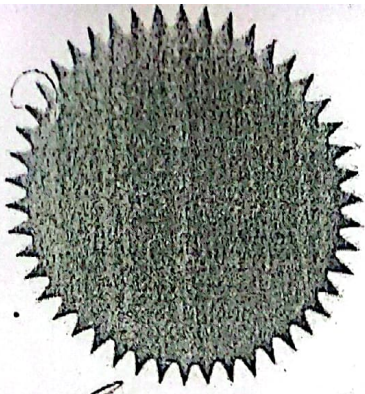
Respondents with E. I. ODEE, ESQ and C. E.
OWEI, ESQ.

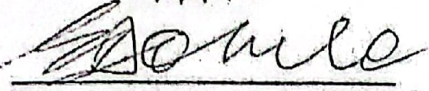
O. O. KODIYA, ESQ for the Interested Party/
Applicant with S. T. IBIAMA, ESQ.

AND UPON hearing the submission of Plaintiff's
counsel and Defendants counsel submission in
opposition.

AND the Court having considered the submissions of
learned counsel for the Plaintiff and the learned senior
counsel for the Defendants rule this 29th April, 2025.






HON. JUSTICE E. A. OBILE
(JUDGE)

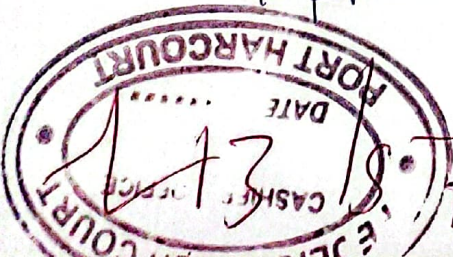
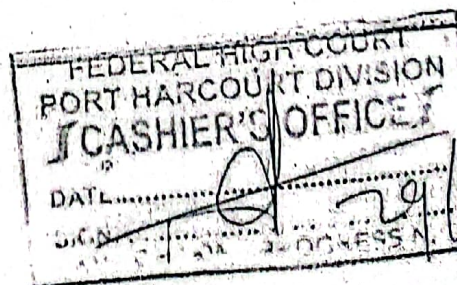
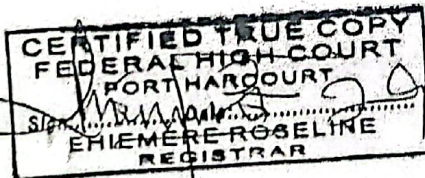
IT IS HEREBY ORDERED AS FOLLOWS:

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1. THAT the application to withdraw Motions on Notice dated and filed 25th March, 2025; dated and filed on 28th March 2025 and dated and filed on 2nd April, 2025 is granted as prayed.
2. THAT the applications are hereby dismissed accordingly.
3. THAT the Deputy Chief Registrar/Admiralty Marshall is directed to serve parties who apply for the Orders of the Court with same including the instant order.
4. THAT the application for costs is refused.

ISSUED AT PORT HARCOURT under the seal of the Court and Hand of the Presiding Judge this 29th day of April, 2025.


Chukwuka C. Ngozi (Mrs.)
Registrar



1986

IN THE FEDERAL HIGH COURT
IN THE PORT HARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT

SUIT NO. FHC/PH/CS/02/2025

BETWEEN

FIRST BANK OF NIGERIA LIMITED ----- PLAINTIFF/RESPONDENT

AND

1. GENERAL HYDROCARBONS LIMITED
2. THE CARGO OF CRUDE OIL ON BOARD
FPSO TAMARA TOKONI
3. OWNERS/OPERATORS OF THE FPSO
TAMARA TOKONI
4. THE MASTER, FPSO TAMARA TOKONI

DEFENDANTS/APPLICANTS

WRITTEN ADDRESS SUPPORTING THE APPLICANTS' MOTION EX-
PARTE

1. INTRODUCTION

- 1.1 This is the defendants/applicants' (applicants) written address in support of their motion ex-parte, seeking the orders of this Honourable Court as shown on the motion paper.
- 1.2 This application is supported by an affidavit of fourteen (14) paragraphs deposed to by Peter Ogbegie, the logistics/materials manager of the 1st defendant/applicant.

2. RELEVANT FACTS

- 2.1 The facts in support of this Application are as contained in the affidavit deposed to by Peter Ogbegie, the logistics/materials manager of the 1st defendant/applicant. The applicants rely on the said affidavit, exhibits

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PORT HARCOURT DIVISION
BAADOM J.
REGISTRAR

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attached and this written address in urging your Lordship to grant this application.

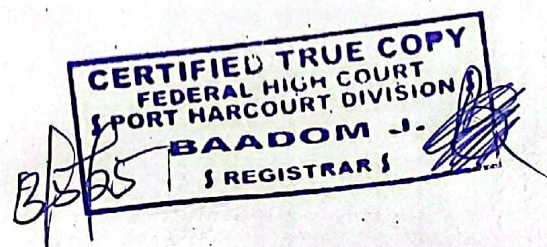
3. ISSUE FOR DETERMINATION

- 3.1 The Applicants humbly submit a sole issue for determination before this Honourable Court, to wit:

"Whether having regard to the facts before this Honourable Court, as well as the position of the law, this Application ought to be granted?"

4. ARGUMENTS

- 4.1 Your Lordship, the applicants respectfully answer the above issue in the affirmative and urge the Honourable Court to grant the reliefs sought in this application.
- 4.2 This application essentially seeks the exercise of the discretion of this Honourable Court to grant the reliefs sought in this application. The law is settled to the effect that in the exercise of the court's discretion, the discretion must at all times be exercised not only judicially but also judiciously on sufficient materials. This was the position taken by the Court of Appeal in the case of *Plateau State Board of Internal Revenue vs. Marah* (2021) LPELR-55160 (CA).
- 4.3 In the instant case, the applicants seek the exercise of the discretion of this Honourable Court in granting the reliefs as prayed for on the face of the motion paper. The reliefs sought by the applicants seek to compel the Deputy Chief Registrar to serve the orders of court on the parties, including the relevant authorities enforcing the order of arrest made by this Honourable Court on 9th January 2025, which orders were dismissed by the Court on 25th March 2025.



4.4 This application is predicated on the need to ensure that the orders of this Honourable Court are served on the parties to the suit, including the relevant authorities acting on the earlier orders of the court, particularly, the Nigerian Navy, the NUPRC, NIMASA, and the Harbour Master of the Nigerian Ports Authority.

4.5 Your Lordship, the applicants submit that the ruling of this Honourable Court made on 25th March 2025, which set aside the earlier interim arrest order of the 2nd defendant, ought to be served on the Nigerian Navy, the NUPRC, NIMASA, and the Harbour Master of the Nigerian Ports Authority. This is because these parties were mentioned in the order of arrest made on 9th January 2025. Therefore, it reasonably follows that a subsequent order of court vacating the order of arrest ought to be served on them, just as the order of arrest was served on them.

4.6 Further, although the Nigerian Navy, the NUPRC, NIMASA, and the Harbour Master of the Nigerian Ports Authority were mentioned in the order of arrest made on 9th January 2025, but they were not specifically mentioned in the order of discharge made on 25th March 2025. It is therefore necessary that this is clarified by the Honourable Court to avoid any misconceptions as to the parties that are bound by the order made on 25th March 2025. The applicants respectfully commend the case of *University of Calabar Teaching Hospital v. Lizikon (nig) Ltd. & Anor. (2017) LPELR-42339(CA)* to your Lordship. In that case, it was held that:

"The Court has inherent jurisdiction to vary or clarify an order so as to carry out the Court's meaning or make the language plain, or to amend it where a party has been wrongly named or described unless this would change the substance of the judgment."

4.7 The applicants respectfully submit that the grant of this application will ensure that the basic tenant of justice and fair hearing will be upheld by serving orders of court on relevant parties to the suit. The grant of this application will also inevitably clarify any purported misconceptions about



the parties that are bound by the order of court made on 25th March 2025, setting aside the earlier order of arrest made on 9th April 2025. Furthermore, the grant of this application is crucial to the preservation of the due administration of justice in this suit.

- 4.8 Given the foregoing, the applicants respectfully submit that they have shown a sufficient legal justification for the favourable exercise of this Honourable Court's discretion in granting the reliefs sought by them in this application.

5. CONCLUSION

- 5.1 The applicants submit that they have demonstrated that this application is meritorious and respectfully urge your Lordship to grant the same.

- 5.2 The applicants are much obliged.

DATED this 2nd day of May 2025.

Ogechukwu

Dr. A. I. Layonu SAN, FCARB
Yakubu Galadima

George Ochima

Ogechukwu Akpuogwu ✓

Counsel for the Applicant

Marble Partners

22B Ahmad Tijani Street

Off Victoria Arobieke Street

Lekki Phase 1, Lagos State.

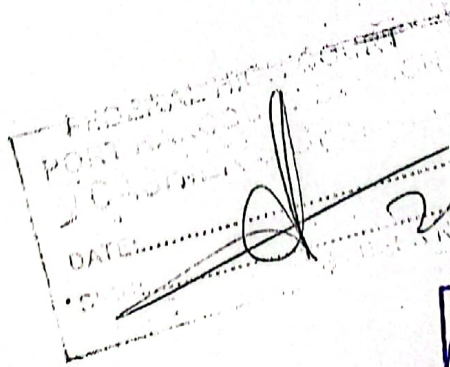
NIN - 44277894812 info@layonuandco.com ccaron@nigerianbar.ng

Tel: 09030137711

Address within jurisdiction

No. 3 William Jumbo Street, Old GRA

Port Harcourt



1,990

LIST OF AUTHORITIES

1. Plateau State Board of Internal Revenue vs. Marah (2021) LPELR-55160 (CA).
2. University of Calabar Teaching Hospital v. Lizikon (nig) Ltd. & Anor. (2017) LPELR-42339(CA)

