

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE AKURE JUDICIAL DIVISION
HOLDEN AT AKURE
ON THURSDAY THE 28TH DAY OF SEPTEMBER, 2023
BEFORE HIS LORDSHIP, HON JUSTICE T.B. ADEGOKE
JUDGE

CHARGE NO: FHC/AK/CS/68/2023

BETWEEN:

PRINCE AFOLABI AKINRUNTAN PLAINTIFFS/APPLICANTS
& 1,215 ORS

AND

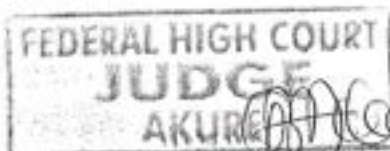
- 1) SHELL PETROLEUM DEVELOPMENT COMPANY NIGERIA LIMITED
- 2) SHELL INTERNATIONAL COMPANY LIMITED
- 3) SHELL INTERNATIONAL EXPLORATION AND PRODUCTION LIMITED
- 4) ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE
- 5) NIGERIA NATIONAL PETROLEUM CORPORATION (NNPC)

DEFENDANTS/RESPONDENTS

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FEDERAL HIGH COURT, AKURE
Signature of Onome O. O.
DESIGNATION: Senior Registrar
DATE: 5/10/23 SIGN

RULING

This ruling relates to Motion Ex-parte filed on the 1/9/23 by the Plaintiffs/Applicants - **PRINCE AFOLABI AKINRUNTAN** and **1,215 Others** against the Defendants/Respondents - **SHELL PETROLEUM DEVELOPMENT COMPANY NIGERIA LTD, SHELL INTERNATIONAL COMPANY LIMITED,**



22509-1073-9979

SHELL INTERNATIONAL EXPLORATION AND PRODUCTION LTD, ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE and NIGERIA NATIONAL PETROLEUM CORPORATION (NNPC).

The application is brought pursuant to Order 26 Rules (1&3), Order 28, Rule 1 of the Federal High Court (Civil Procedure) Rules, 2019, Section 6(6) and Section 252 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and under the inherent jurisdiction of the Honourable Court.

The Applicants seek the following reliefs:

1. AN ORDER OF MAREVA INJUNCTION restraining the 1st, 2nd & 3rd Defendants/Respondents Shell Petroleum Development Company of Nigeria Limited, Shell International Company Limited, Shell International Exploration and Production Ltd in SUITE NO: FHC/AK/CS/68/2023 BETWEEN PRINCE AFOLABI AKINRUNTAN & 1,252 vs THE SHELL PETROLEUM DEVELOPMENT COMPANY OF NIGERIA LIMITED & 4 ORS whether acting by

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FEDERAL HIGH COURT, AKURE
NAME Sayere Onime D. Esq
DESIGNATION Station Reg
DATE 5/10/23 SIGN [Signature]

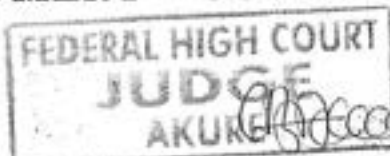
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DATE 5/10/23
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themselves or through their Agents, Officers, Employees, Servants, Assigns, Privies, Representatives, Subsidiaries or otherwise howsoever called or described from selling, allocating, vandalizing and or disposing off any of their assets/properties including official structures, oil wells, oil fields, installations, vehicles, equipment, investments, offshore or onshore or any of its properties howsoever described in any part of the territory of the Federal Republic of Nigeria pending the hearing and determination of this suit.

2. AN ORDER OF THIS HONOURABLE COURT restraining the 1st, 2nd & 3rd Defendants/Respondents Shell Petroleum Development Company of Nigeria Limited, Shell International Company Limited, Shell International Exploration and Production Ltd in SUIT NO: FHC/AK/CS/68/2023 BETWEEN PRINCE AFOLABI AKINRUNTAN & 1,215 ORS vs THE SHELL PETROLEUM DEVELOPMENT COMPANY OF NIGERIA



NAME Sayere Onome D. Esq.
SIGNATURE Station B. Esq.
DATE 5/10/23 SIGN [Signature]

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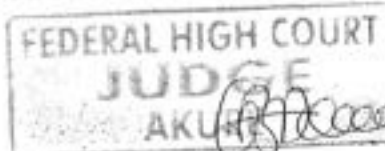
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LIMITED & 4 ORS whether acting by themselves or through their Agents, Officers, Employees, Servants, Assigns, Privies, Representative, Subsidiaries or otherwise howsoever called or described from selling, allocating, vandalizing and or disposing off any of their assets/properties including official structures, oil wells, oil fields, installations, vehicles, equipment, investments, offshore or onshore or any of its properties howsoever described in any part of the territory of the Federal Republic of Nigeria pending the hearing and determination of this suit.

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

The grounds upon which the application is brought are that:

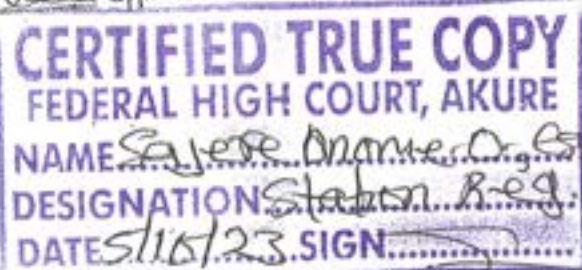
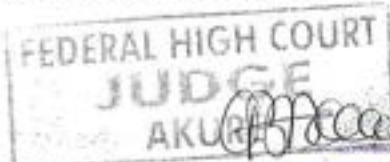
- 1) The Plaintiffs/Applicants who are members of indigenous communities in the Ondo State Region of the Federal Republic of Nigeria have filed this suit against the 1st, 2nd, & 3rd Defendants and other Defendants



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in this suit for the enforcement of their fundamental rights and the remediation of the environmental hazard and degradation caused by the oil spillage of the 1st and 2nd Defendants ruptured pipelines.

- 2) The 1st, 2nd & 3rd Defendants/Respondents have assets and properties in Nigeria, including official structures, oil wells, oil fields, installations, vehicles, equipment, offshore and onshore investments.
- 3) The 1st, 2nd & 3rd Defendants/Respondents have expressly communicated intention to sale off their assets and quit business operations in Nigeria and have substantiated this intention by engaging in negotiations with other multinationals interested in buying their investments.
- 4) If the 1st, 2nd & 3rd Defendants/Respondents are not restrained from selling off their properties so as to quit business in Nigeria, the judgment of this Court will be rendered nugatory, academic and unenforceable if it is in favour of the Plaintiffs/Applicants.



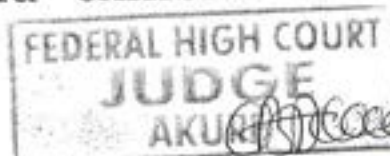
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5) By the authority of A.I.C. LTD vs EDO STATE GOV & ANOR (2016) LPELR-40132(CA) and the recent authorities of HALADU vs ACCESS BANK (2021) LPELR-54553(CA) and SPDC-WEST MULTIPURPOSE CO-OPERATIVE SOCIETY vs UBA PLC (2017) LPELR-50091(CA) an application for the grant of a Mareva Injunction is apt in the circumstance.

6) By the authority of UBN PLC vs PAM (2016) 15 NWLR, PART 1533, PAGE 400 AT 403, this Court is empowered to exercise its discretionary power to grant reliefs sought by the Applicants.

The application is supported by a 20 paragraphs affidavit filed on the 1/9/23, attached thereto two (2) Exhibits marked as Exhibits 1 and 2 and a written address filed on the same date.

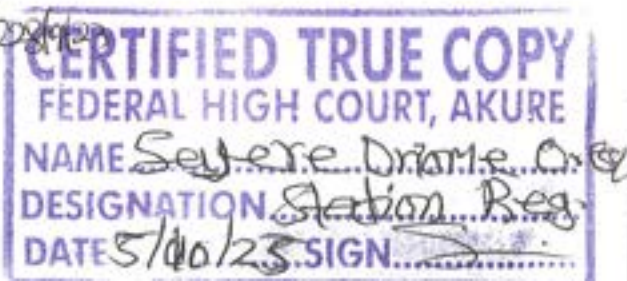
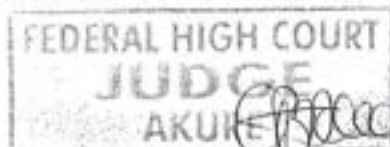
The Court while delivering its ruling held that; I have read the ex-parte application of the Plaintiffs; the reliefs sought, the grounds for the reliefs, the attached affidavit and exhibits and the written address of Counsel.



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Let me begin by saying that, Courts have been enjoined to be wary in granting ex-parte application because of the absence of the opposing side in a matter who have not been given the opportunity to say his own side of the story. However because an ex-parte order is an interim order of a Court issued by a Court without notice to the other party in the suit, it may be issued in very special circumstances in order not make nugatory the essence of the suit. A critical look at **Exhibits 1 and 2** attached to this instant application seem to suggest the need for the urgency of this matter. The Plaintiffs are in Court to claim compensation, remediation and rehabilitation of their environment, farm land, fish ponds, engine boats machineries etc destroyed by oil spill, rain acid and pollution since **2011 to 2019** and which still continues by the activities of the Defendants. By careful perusal of **Exhibits 1 and 2**, the 1st to 3rd Defendants have perfected plans to



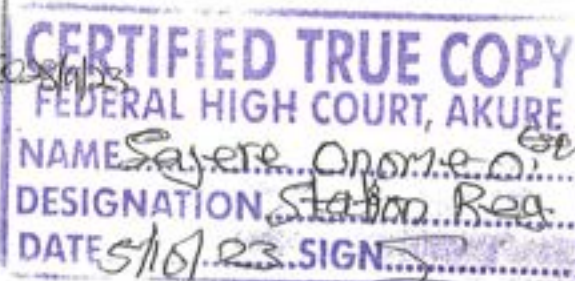
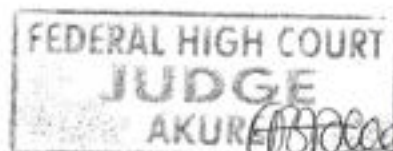
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offload some of its assets in Nigeria and have began talks with some other oil exploration companies. If the Plaintiffs suit succeeds, and by which time the 1st – 3rd Defendants may have left Nigeria; the essence of the Plaintiffs suit would have been defeated.

It is my humble view that granting this instant ex-parte order will preserve the *res* of this case as the circumstances of this suit is urgent and compelling; given the attached exhibits and the Court at this point is without other alternative option but to prevent the anticipate injury of a grave nature which the Plaintiffs may face, should the 1st – 3rd Defendants sell off all their interest in Nigeria.

In the light of the foregoing; the ex-parte application is granted as follows:

- 1) That the 1st, 2nd & 3rd
 Defendants/Respondents Shell
 Petroleum Development Company of



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Nigeria Limited, Shell International Company Limited, Shell International Exploration and Production Ltd in SUITE NO: FHC/AK/CS/68/2023 BETWEEN PRINCE AFOLABI AKINRUNTAN & 1,252 vs THE SHELL PETROLEUM DEVELOPMENT COMPANY OF NIGERIA LIMITED & 4 ORS whether acting by themselves or through their Agents, Officers, Employees, Servants, Assigns, Privies, Representatives, Subsidiaries or otherwise howsoever called or described are restrained from selling, allocating, vandalizing and or disposing off any of their assets/properties including official structures, oil wells, oil fields, installations, vehicles, equipment, investments, offshore or onshore or any of its properties howsoever described in any part of the territory of the Federal Republic of Nigeria pending the hearing and determination of this suit.

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FEDERAL HIGH COURT, AKURE

NAME Sajere Omore-Oye

DESIGNATION Station Reg.

DATE 5/10/23 SIGN [Signature]

FEDERAL HIGH COURT

JUDGE

AKURE



2) That the 1st, 2nd & 3rd
Defendants/Respondents Shell
Petroleum Development Company of
Nigeria Limited, Shell International
Company Limited, Shell International
Exploration and Production Ltd in SUIT
NO: FHC/AK/CS/68/2023 BETWEEN
PRINCE AFOLABI AKINRUNTAN & 1,215
ORS vs THE SHELL PETROLEUM
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NAME. Sajere, Charles O. Esq.

DESIGNATION Station Reg.

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any part of the territory of the Federal Republic of Nigeria pending the hearing and determination of this suit.

- 3) That the ex-parte order will last pending the determination of this suit.
- 4) That this suit shall be given accelerated hearing.
- 5) That this Order shall be discharged if it is shown that the Court has been deceived in making same.

I so hold.

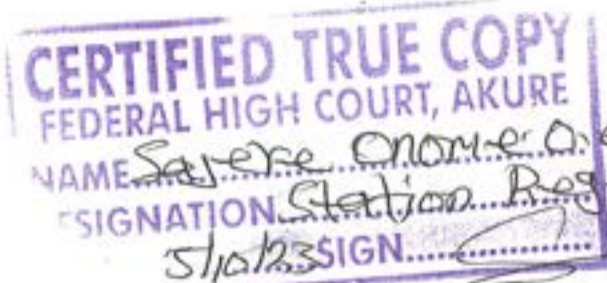
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HON. JUSTICE T.B. ADEGOKE

JUDGE

28/9/23

COUNSEL'S REPRESENTATION

Mohammed Ndarani SAN appears with Rapheal Ashwe Esq for the Plaintiff.



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