

IN THE HIGH COURT OF LAGOS STATE  
IN THE LAGOS JUDICIAL DIVISION  
HOLDEN AT COURT 14, OSBORNE, LAGOS (GENERAL CIVIL DIVISION)  
BEFORE THE HONOURABLE JUSTICE A.O. OPESANWO  
TODAY TUESDAY THE 26<sup>TH</sup> DAY OF MAY, 2026

SUIT NO: LD/7069MJR/2026

BETWEEN:

EURAPHARMA CARE SERVICES NIGERIA LIMITED

}

APPLICANT

AND

1. THE SENIOR MAGISTRATE A.A. ADETUNJI (MRS)  
THE CORONER LAGOS CORONER'S DISTRICT COURT
2. THE CHIEF CORONER OF LAGOS STATE
3. THE HON. AG. & COMM. FOR JUSTICE, LAGOS STATE
4. DR. IVARA ESEGE
5. CHIMAMANDA ADICHIE
6. ATLANTIS PEDIATRIC HOSPITAL LIMITED

}

RESPONDENTS

ENROLLMENT OF ORDER

MOTION EX PARTE FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

BROUGHT PURSUANT TO ORDER 44 RULES 1,3(2)(A)(6) OF THE HIGH COURT OF LAGOS STATE (CIVIL PROCEDURE) RULES, 2019; SECTION 36(1) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED); AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT

UPON THIS MOTION EX PARTE; dated the 14<sup>th</sup> day of May, 2026, coming up for hearing before the Honourable Court today Tuesday the 26<sup>th</sup> day of May, 2026, Hon. Justice A. O. Opesanwo (Mrs.) presiding at Court No. 14, Lagos, General Civil Division, sitting at the High Court, Osborne, Lagos;

UPON READING: The Motion and Affidavit sworn to by one Dr. Hammed Ninalowo, Medical Practitioner, Male and Nigerian Citizen of 293 Younis Bashorun Street, Off Jide Oki Street, Victoria Island Lagos, Lagos State and Written Submission filed at the High Court Registry, Lagos on the 14<sup>th</sup> day of May, 2026;

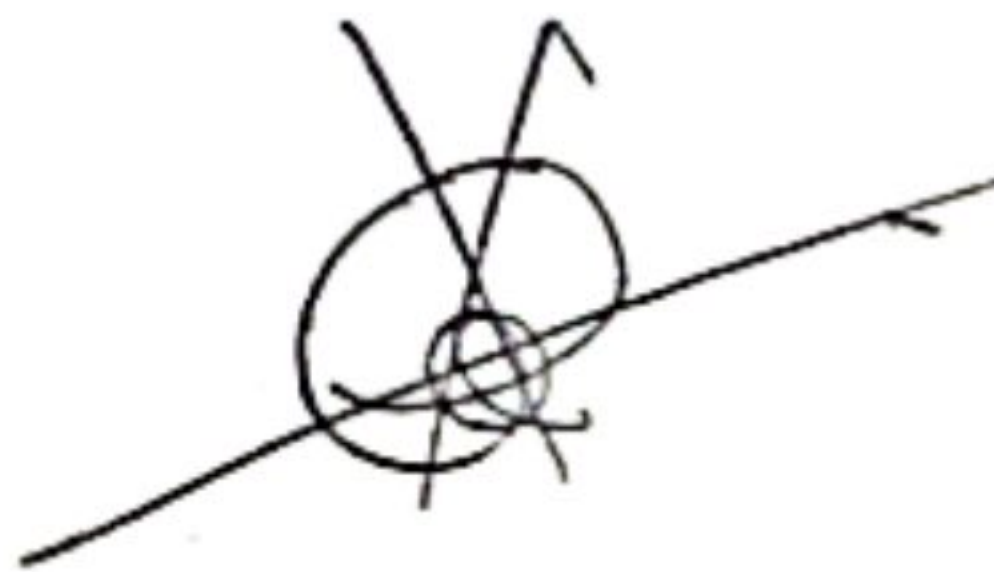
AND THE COURT AFTER HEARING: Prof. Taiwo Osipitan SAN with T. Odunbakun Esq., A. Ogunleye Esq. and E. Oyewale Esq. of Counsel for the Applicant move in support of the said Motion Ex Parte dated the 14<sup>th</sup> day of May, 2026 and praying for;

1. AN ORDER granting Leave to the Applicant to apply for Order of Judicial Review by Writ of Certiorari bringing into the Honourable Court for purpose of being quashed; the

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decisions/orders of the Lagos Coroners' District Court (Coram: Senior Magistrate A.A. Adetunji Mrs.) in Suit No. MCL/1/CONA/2026 made on 21<sup>st</sup> January 2026, 25<sup>th</sup> February 2026 and 14<sup>th</sup> April 2026 to proceed with the inquest into the cause and circumstances of death of Master Nkanu Adichie-Esege who died on 7<sup>th</sup> January 2026 at the Applicant's Hospital premises situate at 293 Younis Bashorun Street, Off Jide Oki Street, Victoria Island Lagos, Lagos State notwithstanding the absence of the body of the Deceased lying within the Coroners' geographical boundary/territorial jurisdiction and in spite of information made available to the Coroner on the wilful/deliberate cremation of the body of the Deceased by 4<sup>th</sup> and 5<sup>th</sup> Respondents prior to the preliminary sittings of the Coroner Court.

2. AN ORDER granting Leave to the Applicant to apply for writ of certiorari bringing into the Honourable Court for purpose of being quashed the decisions of the Lagos Coroners' District Court in Suit No. MCL/1/CONA/2026 (Coram: Senior Magistrate A.A. Adertunji Mrs.) dated 25<sup>th</sup> February 2026 which was reaffirmed during Coroner's proceedings of 14<sup>th</sup> April 2026 that the Applicant against who allegations of gross negligence and/medical misconduct has been levelled by the 4<sup>th</sup> and 5<sup>th</sup> Respondents should be the party to open its case/defence/call witnesses first during the Coroner's inquest into the cause and circumstances of death of Master Nkanu Adichie-Esege whose body had been wilfully and deliberately cremated by 4<sup>th</sup> and 5<sup>th</sup> Respondents prior to the activation of the Coroners' jurisdiction.
3. AN ORDER granting Leave to the Applicant to apply for Writ of Prohibition to restrain/prohibit the Lagos Coroners' District Court in Suit No. MCL/1/CONA/2026 (Coram: Senior Magistrate A.A. Adetunji Mrs) from commencing and/proceeding with the Inquest into the cause/circumstances of death of Master Nkanu Adichie-Esege (a victim of non-violent death) whose body had prior to the activation of the Coroner's jurisdiction, been deliberately/wilfully cremated by the 4<sup>th</sup> and 5<sup>th</sup> Respondents and consequently, not found lying within the Lagos Coroners' District at the time of activation of the Coroner's jurisdiction and whose body is unavailable to the Chief or District Medical Examiner for the requisite post-mortem examination.
4. AN ORDER granting Leave to the Applicant to apply for order of Prohibition to restrain/prohibit the Lagos Coroners' District Court in Suit No. MCL/1/CONA/2026 (Coram: Senior Magistrate A.A. Adetunji Mrs.) from conducting the Inquest



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into the cause of death of Master Nkanu Adichie-Esege on the strength of the order/directive that the Applicant, who has been accused of gross negligence and medical misconduct by the 4<sup>th</sup> and 5<sup>th</sup> Respondents, should be the party to open its case/be the first to adduce evidence at the Inquest.

5. AN ORDER that the Leave, if granted, shall operate as a stay of all proceedings pending before the Lagos Coroners' District Court in Suit MCL/1/CONA/2026 (Coram: Senior Magistrate A.A. Adetunji Mrs.) pending the final determination of substantive Originating Motion to be filed by the Applicant in this Suit.
6. And for such Oder or further Orders as the Honourable Court shall deem fit to make in the circumstance. 16 grounds for the Application is also canvassed;

HON. JUSTICE  
A. O. OPESANWO (MRS.)

**ORDER:** The Court is satisfied that the Applicant has met the threshold for the grant of leave. The application is after all not frivolous or vexatious. It raises issues of procedure and fairness that ought to be ventilated at the substantive stage.

Accordingly, leave is hereby granted to the Applicant to apply for judicial review by Writ of Certiorari, Prohibition and Stay in the following terms;

- i. An Order of Certiorari and Prohibition to remove and quash the decisions/orders of the 1<sup>st</sup> Respondent in Suit No. MCL/1/CONA/2026.
- ii. Pursuant to Order 44 Rule 3(6)(a), the grant of leave shall operate as a stay of further proceedings in Coroner's Inquest pending the hearing and determination of the substantive application.
- iii. The Applicant shall file the substantive process for judicial review within 14 days of this Order and shall ensure service of the process on all Respondents. I so hold.

Return date is issued for 8<sup>th</sup> of June, 2026.

ISSUED UNDER THE HAND AND SEAL  
OF PRESIDING JUDGE THIS 26<sup>TH</sup> DAY OF  
MAY, 2026

KUWANDE A. JIHOHO  
LEGAL REGISTRAR.

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15 Feb  
ADIOD T. OLAOJA  
Commissioner for Oaths  
Lagos High Court  
Lagos State 100000  
COURT OF LAGOS  
CASH OFFICE