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BALANCING THE CONCEPT OF FAIR HEARING AND *EX PARTE* INJUNCTIONS  
UNDER THE NIGERIAN LEGAL SYSTEM: AN IMPERATIVE

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ABSTRACT

The attainment of the onerous task of even balance between fair hearing and *ex parte* injunctions to achieve substantial justice should remain the threshold of any judicial trial. The article examined the right to a fair hearing as one of the attributes of the common law. The Nigerian Constitution equally guarantees the right to fair hearing. The African Charter on Human and People's Right guarantees the right to have one's cause to be heard. So also the European Convention on Human Rights and the Universal Declarations of Human Rights. The principle of natural justice been subsumed in the right of fair hearing under the common law whilst *ex- parte* injunctions seem to negate the very essence of fair hearing been a deviation from the right to be heard. The article used secondary data drawn from case laws, legislation, conventions and other relevant internet materials to argue that real urgency should not be the only precondition for taking the application made *ex parte* and postulated further that although fair hearing is sacrosanct, it should not be treated as justice in itself but at best, a means to the attainment of justice. The article observed that substantial justice cannot be attained if the seeming correct assessment of the current position of the law sought to restrict the protection of the concept of fair hearing, to only rights that are procedural. The article concluded by reiterating the need to balance the age-long concept of a fair hearing and *ex parte* injunctions for the overall attainment of justice, which remains the threshold of any reliable judicial justice system.

*Keywords:* Substantial Justice, *Ex parte* Injunctions, Procedural Process, Fair hearing, Bias.