

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GUDU - ABUJA

ON THURSDAY THE 13TH DAY OF FEBRUARY, 2020.

BEFORE HIS LORDSHIP; HON. JUSTICE MODUPE OSHO-ADEBIYI

SUIT NO. CV/768/2018

MOTION NO: M/2047/2019

ABS GLOBAL LIMITED ----JUDGMENT CREDITOR/APPLICANT

AND

TELECOM SATELLITES LIMITED----JUDGMENT DEBTOR/RESPONDENT

AND

FIRST BANK OF NIGERIA LIMITED & 23ORS ----- GARNISHEES

RULING

Judgment Creditor/Applicant filed a motion Exparte No: M/2047/19 brought pursuant to S.83 and 85 of the Sheriff & Civil Procedures Act, Cap 56 laws of the Federation of Nigeria 2004 and Order IV Rules 1 (2), Order VII Rules 3 (1) (2), 4, 5 & 8 of the Judgment (enforcement) Rules and under the inherent jurisdiction of this Hon. Court. The motion is dated 16/12/2019 seeking for Garnishee Order Nisi as stated on the face of the motion.

It is supported by a 12 paragraph affidavit deposed to by Dolapo Osyeni, attached is a copy of the Judgment, a written address, a copy of the Judgment Debtors Statement of Account with the 2nd Garnishee and a copy of letter of Credit Form "A" for invisible trade transactions.

Judgment Creditor got judgment in their favour for the following sums: \$1, 915, 985.64; \$61, 577.57 and \$7, 430, 400 all added together makes up judgment lump sum of \$9, 407, 963.18.

Court also granted post Judgment interest on the Judgment sum at the rate of 10% per annum from date of Judgment until final liquidation.

Learned counsel informed the court that the date used as the date of final liquidation in calculating post interest is the date of filing exparte application which is the 16th December, 2019 while the date of judgment is 2nd October, 2019, this is barely three (3) months. 10% per annum judgment sum of \$9, 407, 963.18 is \$940, 796.31 this interest sum is for an annum in other words for a whole year. Learned counsel did not prorate the interest rate of 10% per annum to cover 16th December, 2019 to 2nd October, 2019 but rather used the interest rate to cover a full year thus amounting to a wrong sum of \$10, 348, 759.49.

It is not the duty of the court to go outside the purview of the writ of summons and statement of claim.

The claim before me is for a Garnishee Order Nisi in the sum of \$10, 348, 759.49 the said sum includes 10% interest of a full year instead of the time duration of 2nd October, 2019-16th December, 2019.

Consequently, Motion is hereby struck out.

PARTIES: Absent

APPEARANCE: Toyosi Alasi For the Judgment Creditor/Applicant.

**HON. JUSTICE M. OSHO-ADEBIYI
JUDGE
13TH FEBRUARY, 2020**