



**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDING AT MAITAMA-ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE H. B. YUSUF**



SUIT NO: FCT/HC/CV/1624/2013

BETWEEN:

- | | | |
|-------------------------------------|---|----------------------------|
| 1. EZE ONYEKPERE |) | |
| 2. EZENWA NWAGWU |) | |
| 3. CHUKWUMA AMAEFULA |) | |
| 4. VICTOR ABEL |) | JUDGMENT CREDITORS/ |
| 5. OMALE OMACHI SAMUEL |) | RESPONDENTS |
| 6. HEMBOFON TURE |) | |
| 7. CENTRE FOR SOCIAL JUSTICE |) | |

AND

- | | | |
|---|---|--------------------------|
| 1. THE NIGERIA POLICE FORCE |) | |
| 2. THE INSPECTOR GENERAL OF POLICE |) | |
| 3. THE COMMISSIONER OF POLICE FCT |) | JUDGMENT DEBTORS/ |
| 4. THE MINISTRY OF POLICE AFFAIRS |) | RESPONDENTS |
| 5. THE POLICE SERVICE COMMISSION |) | |

AND

- | | |
|---|---------------------------------|
| 1. CENTRAL BANK OF NIGERIA..... | GARNISHEE/OBJECTOR |
| 2. ACCOUNTANT GENERAL OF THE FEDERATION..... | GARNISHEE/
APPLICANT |

RULING

This Ruling is in respect of the Motion on Notice filed by the 2nd Garnishee seeking the following Order:

1. An Order setting aside the Garnishee Order Nisi made by this Honourable Court on the 25th September, 2017 and served on the 5th October, 2017 on the 2nd Garnishee/Applicant for want of jurisdiction.
2. An Order striking out the entire Garnishee proceedings against the 2nd Garnishee/Applicant herein for want of jurisdiction.

Two grounds were listed in support while one Alinco Amodu, a Litigation Clerk in the Legal Unit of the Applicant's office deposed to an affidavit of 5-paragraph in support. There is also a written address in obedience to the Rule of Court.

In opposing the application the Judgment Creditors/Respondents filed a counter affidavit of 13-paragraph and a written address in urging me to refuse this application.

I have read the processes put forward by parties and it is clear to me that the grounds in support of this application are as follows:

1. That the Garnishee proceedings ought to be initiated in the Federal High Court and not this Court; and
2. That the Garnishee proceedings was not initiated in accordance with due process of Law.

In dealing with the above grounds I must remind myself that the 1st Garnishee had presented a similar application challenging the legality of the Garnishee proceedings under contention. In a well considered Ruling delivered on 24th September, 2018 the Court held inter alia that the Garnishee proceedings ought to be filed and pursued at the Federal High Court and not this Court. I also held that failure to obtain the consent of the Attorney-General as commanded by Section 84 of the Sheriff and Civil Process Act rendered the Garnishee proceedings a nullity.

See the recent decision of the Supreme Court in the case of **INTERSTELLA COMMUNICATIONS LTD & ORS V. CENTRAL BANK OF NIGERIA (2017) LPELR-43940 (SC)**.

In view of my Rulings under reference, I agree as I should that the Garnishee proceedings against the 2nd Garnishee is incompetent and liable to be set aside for obvious absence of jurisdiction.

As a consequence of this the proceedings against the 2nd Garnishee is also terminated and the matter is struck out in its entirety.

Signed
Hon. Justice H. B. Yusuf
(Presiding Judge)
03/06/2020