

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GUDU - ABUJA

ON WEDNESDAY THE 23RD DAY OF SEPTEMBER, 2020.

BEFORE HIS LORDSHIP; HON. JUSTICE MODUPE OSHO-ADEBIYI

SUIT NO: CV/525/2018

MOTION NO: M/8477/2020

BETWEEN

BARRISTER CHEKWUBE OSITA EBUBEALOR -----APPLICANT

AND

- 1. MINISTER OF INTERIOR**
- 2. MINISTRY OF INTERIOR**
- 3. NIGERIA IMMIGRATION SERVICE**
- 4. COMPTROLLER GENERAL OF IMMIGRATIO-----RESPONDENTS**
- 5. ACG, PASSPORT, N.M. ZITAS (Struck Out)**
- 6. SUPRITENDENT OF IMMIG. PASSPORT, S.D. MOHAMMED**
- 7. CHIEF IMMIG. ASSISTANT PASSPORT, H. B USMAN**

AND IN RE

- 1. POLARIS BANK PLC -----GARNISHEES**
- 2. ZENITH BANK PLC**

RULING

Judgment Creditor/Applicant filed a motion Exparte No: M/8477/20 brought pursuant to S.83 of the Sheriff and Civil Process Act, Cap 407 laws of the Federation of Nigeria 2004 and under the inherent jurisdiction

of this Honourable Court. The motion is dated 9/7/2020 seeking for the following orders:

a. An Order directing all named Garnishees to file and serve on the Applicant/Judgment Creditor, Sworn affidavits disclosing the statement of account on balance standing to the Respondent's/Judgment Debtors' account maintained with the garnishees in the following account:

- i. Bank Name: Polarise Bank Plc
Account Name: Combined Expatriate Residential Permit and Alien Card
Account No: 1790275138
- ii. Bank Name: Zenith Bank Plc
Account Name: Nigeria Immigration Service

Or any other account maintaining the credit of the Respondents'/Judgment Debtors and to show cause, if any, why the amounts standing to the credit of the Respondents'/Judgment Debtors should not be used to satisfy the Judgment debt and the cost of this garnishee proceeding within fourteen (14) days from the date of the receipt of the court order.

b. An Order Nisi attaching the amount standing to the credit of the above named Respondents'/Judgment Debtors with the garnishee in favour of the Applicant/Judgment Creditor in order to satisfy the judgment debt owed by virtue of the judgment of His Lordship, Hon.

Justice Modupe R. Osho-Adebiyi delivered on the 10th June , 2020 as shown in exhibit A attached herewith.

- c. An order Nisi directed against the garnishees to show cause why they should not pay the sum of N50,000,000.00 (Fifty Million Naira) only awarded to the Applicant/Judgment Creditor by the Honourable Court.
- d. An order granting leave to the Applicant/Judgment Creditor to serve the court order and other court processes in this case on the garnishee banks by service at their respective regional Headquarters in the Federal Capital Territory mentioned in the Applicant's accompanying affidavit by the bailiff or appointed agent of this Honourable Court and that upon filing the proof of such service to be deemed good and sufficient service.
- e. An order directing that when order nisi is made absolute against the garnishees, that the judgment sum be paid into the judgment creditor/Applicant's Counsel's bank account with the following details: Account Name: CUO Ebubealor Consulting, Account No: 1014068255, Bank Name: Zenith Bank Plc.
- f. An order for the payment of the sum of N500,000.00 (Five Hundred Thousand Naira) only by the garnishees being the cost for the prosecution of the this proceeding.
- g. And for such further order(s) as this Honourable Court may deem fit to make in the circumstances of this case.

The motion is supported by an 11-paragraph affidavit, deposed to by Chekwube Osita Ebubealor (the Judgment Creditor/Applicant), attached is a letter for payment addressed to the Comptroller General of Nigeria Immigration service, dated 10th June, 2020 and a written address.

In moving the motion, the learned counsel for the Judgment Creditor/Applicant relying on all the above-mentioned processes and urge the court to grant the application.

It is hereby ordered as follows.

1. Garnishee Order Nisi is hereby granted attaching the sum of N50,000,000.00 (Fifty Million Naira) only in the following accounts of the Judgment Debtors

a. Bank Name: Polarise Bank Plc

Account Name: Combined Expatriate Residential Permit
and Alien Card

Account No: 1790275138

b. Bank Name: Zenith Bank Plc

Account Name: Nigeria Immigration Service

with the Garnishee Banks or any other account maintaining the credit of the Judgment debtors to satisfy the judgment of this court in Suit No. FCT/HC/CV/525/2018 delivered on the 10/6/2020.

2. The Garnishees are hereby ordered to appear in court on the next adjournment date and show cause why the Order Nisi should not be made absolute.

3. It is further ordered that the Order Nisi be served on the Garnishee Banks at their respective Headquarters and also on the Judgment Debtors.

4. Prayers E and F are hereby refused. Prayer E cannot be granted as that is not part of the proceeding for a garnishee order nisi as same can only be granted when the order nisi is made absolute. Also cost of proceedings in a garnishee proceeding cannot be paid by the garnishee banks but rather by the judgment debtors through their account with the garnishee banks.

Case is adjourned to 22nd of October, 2020 to show cause by the garnishee banks.

Parties: Applicant is present.

Appearances: C.U.O. Ebubealor applicant appearing in person.

HON. JUSTICE M. OSHO-ADEBIYI

JUDGE

23RD SEPTEMBER, 2020