

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT APO

CLERK: CHARITY

COURT NO. 15

SUIT NO: FCT/HC/M/6215/20

DATE: 2 – 12– 2020

BETWEEN:

- 1. CHIEF OLAJIDE AJANA JUDGMENT CREDITOR**
- 2. CHIEF OLAJIDE AJANA & CO**

AND

- PEOPLES DEMOCRATIC PARTY JUDGMENT DEBTOR**

AND

- 1. GUARANTY TRUST BANK PLC**
- 2. ZENITH BANK PLC**
- 3. FIRST CITY MONUMENT BANK PLC..... APPLICANT**
- 4. UNITY BANK FOR AFRICA PLC**
- 5. FIRST BANK PLC**
- 6. FIDELITY BANK PLC**

7. KEYSTONE BANK PLC
8. HERITAGE BANK PLC
9. WEMA BANK PLC
10. ECO BANK PLC

RULING

(DELIVERED BY HON. JUSTICE S. B. BELGORE)

It would be recalled that on the 20/2/20, this Court in a ruling made the Order nisi of the Court absolute against the 3rd garnishee Bank – FCMB. My reason for so doing on that 20/2/20 was for their failure to file any affidavit showing cause as at that date. They 3rd garnishee Bank were not alone. The Order absolute was also made against the 8th garnishee Bank – Heritage Bank Plc.

Subsequently, the FCMB, (3rd garnishee) filed this application vide motion **M/6215/20** praying this Court to set aside the order absolute and to **deem** the already filed affidavit for showing cause as properly filed. It was filed on 9/3/20.

The Judgment Creditor were served as far back as 11/3/20. They (Judgment Creditor) did not file any counter-affidavit. A short while ago, learned counsel to the applicant/3rd garnishee S. O. Oba Esq moved the application summarily.

I have considered the application as summarily as it was moved. The supporting affidavit vide paragraph 4(i) revealed that the counsel previously handling this matter was ill and therefore unable to file the affidavit showing cause as required or desirable. This deposition or fact was not challenged by way of a counter affidavit. I therefore believe it to be true. I can rely on it and I so do.

Now, the affidavit showing cause filed on the same 9/3/20 also revealed that the Judgment Debtor maintain two accounts with the 3rd garnishee. They are – Account Number – 0274199014 with N32,410.00 in the account. This is vide paragraph 5(a) of the affidavit and Exhibit B which is the statement of account attached.

Paragraph 5(d) of the same affidavit showing cause and Exhibit C i.e. the statement of accounts showed no fund or zero fund in the 2 accounts.

Based on the above clean facts therefore, it is abundantly clear to me that there is merit in this application. This application therefore succeeds as prayed.

In effect therefore, the order absolute made in respect of the 3rd garnishee FCMB is hereby set aside.

Instead an order absolute making the N32,410 = stand to the credit of the Judgment Debtor only liable to be garnished. That is the new or extant order of this Court.

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S. B. Belgore
(Judge) 2-12-20.