

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP: HON. JUSTICE Y.HALILU
COURT CLERKS : JANET O. ODAH & ORS
COURT NUMBER : HIGH COURT NO. 22
CASE NUMBER : SUIT NO: CV/1399/2013
DATE : THURSDAY 22ND OCTOBER, 2020

BETWEEN

BARR. STEPHEN SUNDAY DADA } JUDGMENT CREDITOR
/APPLICANT

AND

MR. DENNIS AGBO NNAMDI } JUDGMENT DEBTOR/
RESPONDENT

RULING

The law with respect to Garnishee Proceedings is settled. The application for Garnishee proceedings commence in two stages. The 1st step is Garnishee Order Nisi, which is a French word that means, ‘unless.’

It is an Order therefore made directing the Garnishee to pay into court or to the Judgment Creditor within a stated time. If no reason sufficient reason is given the Order then becomes absolute and that ends the matter and the court becomes functus officio as far as the matter is concerned in that the court which presided over such an exercise is precluded from again considering the matter even if new evidence or

argument are provided. Above was stated in *UBN VS BONNY MARCUS (2005) 7 S.C (Pt. 11) 70 per Aceintain JSC as he then was.*

My work as judge has been simplified in view of the fact that I am bound by judicial precedence. The position in *UBN PLC. (Supra)* clearly represents the case of the Garnishee/Applicant in this situation. As pathetic as the situation is presented, I am not inclined to further adjudicate upon this matter. I am functus – officio.. I will advise that applicants approach the court of appeal. Application moved by Yunusa, of counsel vide motion dated the 23rd September, 2020 but filed on the 23rd September, 2020 is therefore refused and accordingly dismissed.

Justice Y. Halilu
Hon. Judge
22nd October, 2020

APPEARANCE

NWOKORO SAMUEL – for the Judgment
Creditor/Respondent.

MOHAMMED A. YUNUSA with MUSTAPHA
JA'AFAR – for the Garnishee/Applicant (21st
Garnishee)