

**IN THE HIGH COURT OF JUSTICE OF THE  
FEDERAL CAPITAL TERRITORY ABUJA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT JABI - ABUJA**

**BEFORE: HON. JUSTICE O. C. AGBAZA**

**COURT CLERKS: UKONUKALU&GODSPOWEREBAHOR**

**COURT NO: 10**

**SUIT NO: FCT/HC/BW/CV/44/2016**

**BETWEEN:**

**MR. ARTHUR EKOKIGHO.....JUDGMENT CREDITOR/APPLICANT**

**VS**

- 1. INSPECTOR GENERAL OF POLICE**
- 2. NIGERIA POLICE FORCE**
- 3. COMMISSIONER OF POLICE, FCT POLICE COMMAND**
- 4. CPLUSMAN MOHAMMED**
- 5. CPL MOSES ABRAHAM**
- 6. CPL SAMUEL MEMAKO.....JUDGMENT DEBTORS**

**VS**

**CENTRAL BANK OF NIGERIA.....1<sup>st</sup> GARNISHEE**

**RULING**

Pursuant to the Order Nisi granted by this court on 7/10/2019, directing the Garnishees to show cause, the 2<sup>nd</sup>/3<sup>rd</sup> Garnishees having been discharged on 3/3/2020, the 1<sup>st</sup> Garnishee – CBN filed an affidavit to show cause on 5/11/2019 of 9 paragraphs sworn to by Ocholi Aaron Enojo and consequent upon the service of the counter-affidavit of the Judgment Creditor, filed a

further and better affidavit of 11 Paragraphs sworn to by NuhuBamalli Mustapha on 16/7/2020.

On the other hand, the Judgment Creditor/Applicant counsel U.V. Egelemba submit in response to the affidavit to show cause of the 1<sup>st</sup> Garnishee dated 5/11/2019, Judgment Creditor/Applicant filed a counter-affidavit of 12 Paragraphs sworn to by Charles Okafor. By way of adumbration, urge the court to make the order absolute, the 1<sup>st</sup> Garnishee, having admitted in Paras 9 (a & b) of being in custody of the TSA Account.

I have carefully perused the both affidavits of the 1<sup>st</sup> Garnishee and the Judgment Creditor/Applicant. It is correct that this court granted the Order Nisi of 7/10/2019 directing the 1<sup>st</sup> Garnishee to show cause, however, on a careful perusal of Paragraph 9 (a) (b) of 1<sup>st</sup> Garnishee further/better affidavit of 16/7/2020 and juxtaposed with the paragraphs 7 – 9 of the counter-affidavit of the Judgment Creditor/Applicant, the court finds that the said funds sought to be garnisheed are not funds held in the name of the 2<sup>nd</sup> Judgment Debtor, rather an account in the name of Ministry of Police Affairs. Clearly, from all of these, this court cannot in view of these make an Order Absolute against the 1<sup>st</sup> Garnishee, in an account not held in the name of 2<sup>nd</sup> Judgment Debtor.

Accordingly, this application of the Judgment Creditor/Applicant to make this Order Nisi Absolute fails. The 1<sup>st</sup> Garnishee is accordingly discharged.

**HON. JUSTICE O. C. AGBAZA**

Presiding Judge

24/3/2021.

APPEARANCE

U.V. EGELAMBA - FOR JUDGMENT CREDITOR/APPLICANT

NO APPEARANCE FOR THE 1<sup>ST</sup> GARNISHEE