

**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. 15**

**CASE NUMBER : SUIT NO: CV/4213/11**

**DATE: : WEDNESDAY 29<sup>TH</sup> SEPTEMBER, 2021**

**BETWEEN**

**DURAMI ALHAMDU**

**JUDGMENT CREDITOR/  
RESPONDENT**

**AND**

**1. HON. MINISTER OF FCT**

**JUDGMENT DEBTORS/  
RESPONDENTS**

**2. FED. CAP. DEV. AUTHORITY**

**RESPONDENTS**

**3. CHAIRMAN AD-HOC COMMITTEE**

**ON SALE FEDERAL GOVERNMENT**

**HOUSES**

**4. ALKALI MOHAMMED**

**AND**

- 1. ZENITH BANK PLC.**
- 2. GUARANTY TRUST BANK PLC.**
- 3. FIRST BANK OF NIGERIA PLC.**
- 4. ACCESS BANK PLC. (DIAMOND)**
- 5. UNITED BANK FOR AFRICA PLC.**
- 6. FIRST CITY MONUMENT BANK PLC.**
- 7. UNION BANK PLC.**
- 8. ACCESS BANK PLC.**
- 9. HERITAGE BANK PLC.**
- 10. KEYSTONE BANK PLC.**
- 11. STANBIC IBTC BANK PLC.**
- 12. STERLING BANK PLC.**
- 13. FIDELITY BANK PLC.**
- 14. ECO BANK PLC.**
- 15. POLARIS BANK PLC.**
- 16. UNITY BANK PLC.**
- 17. WEMA BANK PLC.**

**GARNISHEES**

# **RULING**

Emmanuel Bison O. Esq. for the Garnishees/Applicants. I hold the brief of P.O Erivwode Esq.

Suzan Oloma, Esq. for the Judgment Creditor/Respondent.

Emmanuel:-We have application on Notice dated the 2<sup>nd</sup> March, 2021. It is supported by affidavit and written address which we hereby adopt, urging the court to grant same. I have seen the reply on point of law filed by the Judgment Creditor/Respondent.

I know that we are not entitled to any of the reliefs, we seek on the face of our

application. We urge the court to grant our application in the interest of justice.

Susan:-We filed reply on points of law. We adopt same in urging the court to dismiss the application in the overriding interest of justice.

We submit that this court is functus officio and the Garnishee is bound to pay the Judgment sum in full.

### **COURT:-**

The law is settled on what the court shall do after an Order Nisi has been made Absolute and an application such as the one moved by Emmanuel Esq. is made to set aside such an Order Absolute. Supreme Court of Nigeria in ***UBN PLC. VS BONNY MARCUS INDUSTRIES LTD (2005)***

*NSCQR Vol. 23 page 1 per Akintan, JSC,(as he then was)* conclusively stated that the court that pronounced an Order Nisi as Absolute shall be precluded from entertaining any further application touching on the said matter regardless of the swaying findings. The only option left is for the Garnishee to approach the Court of Appeal. This court on the authority of ***UBN PLC. VS BONNY MARCUS (Supra)*** is clearly functus officio.

I refuse to be dragged into any tempting collusion course with the apex court of our land. Application is clearly akin to the serpent in the garden of Eden which eventually deceived Adam (AS) to eat the forbidden fruit and was eventually thrown – out of the Garden.

I shall resist the temptation of looking at the application.

The argument of Suzan Esq. as contained on the reply is apt on functus – officio.

Accordingly, the said application No. **M/2452/2021** is hereby dismissed for being a waste of precious judicial time.

*Justice Y. Halilu*  
*Hon. Judge*  
*29<sup>th</sup> September, 2021*

Susan, Esq.: - We shall be asking for N20,000 as cost.

Emmanuel, Esq.: - We are not conceding.

Court: - The lawyer ought to know the position of the the law. Cost is rightly sought for. I award N20,000.00 (Twenty Thousand Naira) against the

said lawyer who filed the application. Cost follows events.