

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT JABI, ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE MUHAMMAD S. IDRIS
COURT: 28**

DATE: 5TH JULY, 2022

FCT/HC/CV/283/2018

BETWEEN:-

GODWIN N. IKE -----

CLAIMANT/RESPONDENT CREDITOR/RESPONDENT

(TRADING UNDER THE NAME AND STYLE OF

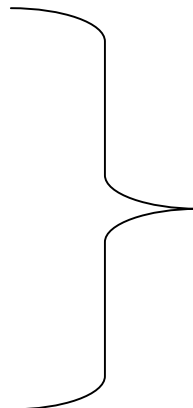
GODDY IKE & PARTNERS)

AND

ENGR. KOLA BALOGUN-----

DEFENDANT /JUDGMENT DEBTOR/APPLICANT

- 1.
- 2.
3. *1ZENITH BANK PLC
4. KEYSTONE BANK PLC
5. FIRST BANK PLC
6. UNITED BANK FOR AFRICA
7. GUARANTEE TRUST BANK PLC
8. UNION BANK PLC
9. FIDELITY BANK PLC
10. FIRST CITY MONUMENT BANK PLC
11. HERITAGE BANK PLC
12. POLARIS BANK PLC



GARNISHEES

RULING

I have reproduced the position of both learned gentlemen for and against I am of the view that the application filed by the Applicant cannot be granted. This can be seen from the process filed by the two gentlemen. The cheques issued by the Defendant bears the name of Moma Nigeria Limited more importantly the restriction order was placed on moma as can be seen from the counter affidavit filed by the 1st, 3rd and 5th Respondent. Court of law have long moved away from the domain or terrain of doing

technical justice to doing substantive justice. This is because technical justice in reality is not justice but a caricature of it.

It is justice in inverted commas and not justice synonymous with the principles of equity and fair play. Thus, in appropriate case Court deliberately shift away from the narrow technical approach to justice which characterized some earlier decision of Court on various matters and instead pursue the Courts of substantial justice. See ***ABUBAKAR VS YAR ADUAR (2008)4 NWLR (Pt1078) 465 OMOJU VS FRN (2008) 7 NWLR (PT 1085)38 CHIMA VS CHIME (2001)3 NWLR (PT 701) 527.*** I have carefully looked at the application filed by the Applicant. I discovered from same that the application is lacking in merit all the averments contained in the counter affidavit. Substantially have not been contravened by the Applicant it is on this note I deem it just to refuse the application. I so hold.

**HON. JUSTICE M.S IDRIS
(Presiding Judge)**

APPEARANCE

Attah U.S:-For the judgment creditor/Respondent.

K.A Oyin--:-For the Applicant

Court:- Ruling read in the open Court.