

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**

HOLDEN AT: COURT 5 MAITAMA  
DATE: 6<sup>TH</sup> DECEMBER, 2021  
BEFORE: HON. JUSTICE M.A. NASIR  
MOTION NO: M/9780/2020

**BETWEEN**

1. SUNDAY OBARO
2. CALEB JACOB
3. PASTOR AYODELE AJAYI  
CREDITOR/APPLICANT
4. PASTOR SEGUN OLAYIWOLA



----- JUDGMENT

**AND**

1. INSPECTOR GENERAL OF POLICE
2. COMMISSIONER OF POLICE, FCT
3. DIVISIONAL POLICE OFFICER, MPAPE  
DIVISIONAL HEADQUARTERS



JUDGMENT DEBTORS

**AND**

CENTRAL BANK OF NIGERIA



GARNISHEE

**RULING**

Before the Court is a motion ex parte dated 16/9/2020. In support is an affidavit of 8 paragraphs and a written address which was duly adopted.

The applicant is praying this Court for the following:

*“1. An Garnishee order nisi attaching the sum of N5,512,000.00 (Five Million, Five Hundred and Twelve Thousand Naira) only from the total money with the Garnishee standing to the credit or for the benefit of any or all the judgment debtors/respondents in their accounts with the Garnishee with account number 012401100100 and all other accounts with the garnishee in the name or for the benefit of any or all the judgment debtors for the payment of the total judgment sum awarded by the High Court of the FCT, Abuja (Coram Banjoko, J) on 10/10/2014, in the suit filed by the judgment creditors/applicants against the judgment debtors/respondents only.*

*2. An order directing the Garnishee to pay forthwith to the judgment creditors/applicants through their solicitors account details Adewale Adegboyega & Associates, 0027334481, Unity Bank Plc, the sum of N5,512,000.00 (Five Million, Five Hundred and Twelve Thousand Naira) only being the total judgment sum*

*awarded by the High Court of the FCT Abuja (Coram Banjoko, J.) in its judgment delivered on 10/10/2014.*

- 3. An order directing the garnishee to disclose, within seven (7) days of the service of the order nisi of this Court on it, the sums standing to the credit of the any or all the judgment debtors in Account Number 012401100100 and all other accounts with the garnishee in the name or for the benefit of any or all the judgment debtors howsoever described and the disclosure should be sworn to before a commissioner for oaths and filed before this Court.*
- 4. A further order directing the garnishee to appear and show cause why the order nisi should not be made absolute.*
- 5. Cost of filling and prosecuting this garnishee proceedings assessed at the sum of N500,000.00 (Five Hundred Thousand Naira) only.*
- 6. Omnibus prayer.”*

A garnishee proceeding is a judicial proceedings by a judgment creditor against a person in custody or possession of money belonging to the judgment debtor. It also denotes that the judgment creditor has to obtain an order of Court that the debtor pays the judgment creditor by the process of attaching the debt once the Order Nisi is served on the garnishee. See Wema Bank Plc vs. Brastem – Ster Nigeria Ltd & anor (2010) LPELR – 9166 (CA). The laws governing the proceedings are the Sheriffs and Civil Process Act, and the Judgment (Enforcement) Rules and Civil Procedure Rules of various High Courts in Nigeria.

Learned counsel to the applicant in the written address in support raised a sole issue for determination. The issue is:

*“Whether in view of the provision of Section 287(3) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and subsistence of the judgment of High Court of the FCT, Abuja delivered on 10/10/2014 the judgment creditor’s/applicant are entitled to the grant of the reliefs sought in this application.”*

Learned counsel submitted on the trite position of the law that garnishee proceedings are processes or ways of enforcing judgment by seizure or attachment of debts owed a judgment debtor by a third party to pay the debt to the judgment creditor in order to satisfy the judgment debt. He cited Citizens Int'l Bank vs. SCOA (Nig) Ltd (2006) 18 NWLR (part 1011) 332; NITEL Plc vs. I.C.I.C. Directory Publishers Ltd (2009) 16 NWLR (part 1167) 356.

Learned counsel relying on Sections 83(1) and 84 of the Sheriffs and Civil Process Act urged this Court to grant the application. In his oral submission before the Court, counsel stated that the applicant had applied for consent of the Attorney General of the Federation and upon refusal of the Attorney General to either deny or grant consent, the applicant sought for an order of Mandamus before the Federal High Court, Coram Nyako, J. to compel the Attorney General to give consent for the attachment of the judgment sum from the monies with the garnishee standing to the credit of the judgment debtors.

The application for consent to enforce the judgment against the judgment debtor, (Inspector General of Police) is attached herein as Exhibit B. It was received and acknowledged on the 15/12/2015, while the Certified True Copy of the Order of Mandamus is attached as Exhibit C. The Order in question is still valid and subsisting having not been set aside and there is no pending appeal against the Order. Also attached to this application is a Certified True Copy of the judgment of His Lordship Hon. Justice A.A.I. Banjoko (now JCA). The applicant has deposed to the fact that the judgment sum is yet to be fully satisfied.

Having reviewed the depositions in the supporting affidavit, and both written and oral submissions of counsel, this Court finds the application apt, as the judgment creditor/applicant has fully complied with the provisions of Sections 83(1) and 84(1) of the Sheriff and Civil Processes Act. Accordingly, the application is found to be meritorious and it is hereby granted in the following terms:

- 1) A garnishee order nisi is made attaching the sum of N5,512,000.00 (Five Million, Five Hundred and Twelve

Thousand Naira) only, standing to the credit of the judgment debtors/respondents in their accounts maintained with the garnishee with account number 012401100100 and all other accounts with the garnishee in the name or for the benefit of any or all the judgment debtors in satisfaction of the judgment sum awarded by the High Court of the FCT Coram Banjoko J, (as he then was) on the 10/10/2014.

2) The garnishee shall appear before this Court to show cause why the garnishee order nisi should not be made absolute.

3) The sum of N200,000.00 (Two Hundred Thousand Naira) only awarded as cost of the garnishee proceedings.

This garnishee order nisi shall be served on all the judgment debtors and the garnishee at least 14 days before the date of hearing.

Signed

Honourable Judge

**Appearances:**

Adewale Adegboyega Esq - for the applicant with him

Mohammed Idrissa Esq