

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT ABUJA**  
**ON TUESDAY, 4<sup>TH</sup> DAY OF OCTOBER, 2022**  
**BEFORE HON. JUSTICE NJIDEKA K. NWOSU-IHEME**

**SUIT NO: FCT/HC/CV/1262/2022**

**BETWEEN**

CHIBROS MULTI RESOURCES ... .. CLAIMANT

**AND**

- |                         |   |            |
|-------------------------|---|------------|
| 1. ACCESS BANK PLC      | } | DEFENDANTS |
| 2. NIGERIA POLICE FORCE |   |            |

**RULING**

The Claimant instituted this action vide an Originating Summons filed on the 19<sup>th</sup> day of April, 2022 seeking to be entitled to the reliefs hereunder upon and for the determination of the following questions:

- 1. WHETHER, by virtue of Section 4 of the Nigeria Police Force (Establishment) Act, 2020, the 2<sup>nd</sup> Defendant is empowered under the law to seek and obtain a restriction/post-no-debit order to freeze the current account of the Claimant with account number 0699109316 which is domiciled with the 1<sup>st</sup> Defendant.**
- 2. WHETHER a magistrate in Nigeria is empowered by law to grant an order to restrict or place a post-no-debit mandate in the account of the Claimant.**
- 3. WHETHER the restriction/post-no-debit mandate placed by the Defendants on the Claimant account with account number**

**0699109316, which is domiciled with the 1st Defendant, without any valid order of court is lawful?**

The Claimant claims to be entitled to the following reliefs against the Defendants jointly and severally:

- a. A DECLARATION that, by virtue of Section 4 of the Nigeria Police Force Establishment) Act, 2020, the 2<sup>nd</sup> Defendant is not empowered under the law to seek and obtain a restriction/ post-no-debit order to freeze the current account of the Claimant with account number 0699109316 which is domiciled with the 1<sup>st</sup> Defendant.**
- b. A DECLARATION that, by virtue of the Court of Appeal judgement in GTB V. JOSHUA (2021) LCN/ 15007 CA) also cited as (2021) LPELR-53173(CA), a magistrate in Nigeria is not empowered by law to grant an order to restrict or place a post-no-debit mandate in the account of the Claimant.**
- c. A DECLARATION that the restriction/post-no-debit placed by the Defendants on the Claimant's account number 0699109316, which is domiciled with the 1<sup>st</sup> Defendant, without any valid order of court is illegal and unlawful.**
- d. A DECLARATION that the restriction placed on the Claimant's account with account number: 0699109316 by the Defendants has caused the Claimant serious embarrassment, inconveniences, great financial hardship and great business loss.**
- e. The sum of N1,000,000,000.00 (One Billion Naira) only against the Defendants, jointly and severally, being special, general, exemplary, aggravated and punitive damages for the reckless, negligent and unlawful acts of the Defendants.**

In opposing the Originating Motion, the 1<sup>st</sup> Defendant filed a 9 paragraph Counter Affidavit on 17<sup>th</sup> June, 2022 and attached therewith are Exhibits ACC1 and ACC2. ELOKA J. OKOYE Esq. filed a written address with the counter affidavit. The 2<sup>nd</sup> Defendants were absent and unrepresented neither did they file a response to the Originating Application of the Claimant.

In her affidavit in support of the Originating Motion, the deponent **Chinedu Ndupu** stated amongst others:

1. That he is a director in the Claimant's company and the Claimant maintains a bank account, with account number **0699109316** with the 1<sup>st</sup> Defendant and the deponent is one of the signatories to the said Claimant's account.
2. That on the 7<sup>th</sup> day of April, 2022, he was notified by the 1<sup>st</sup> Defendant that a post-no-debit order had been placed on the Claimant's account. A picture of the post-no-debit notification from the 1<sup>st</sup> Defendant was attached as **Exhibit C1**.
3. That he lodged a physical complaint at the customer care unit of the 1<sup>st</sup> Defendant Bank on the issue of the restriction and was informed that a Post-No-Debit mandate was lodged on the Claimant's account by the 2<sup>nd</sup> Defendant, Force CID General Investigation Department Unit, Alagbon, Lagos State, through one SUPOL Macdonald Agbotian.
4. That the Claimant has made frantic efforts to have the restriction lifted, has written to the 1<sup>st</sup> Defendant to no avail and filed a petition before the Central Bank attached as **Exhibits C2** and **C3**, respectively to that effect.
5. The 1<sup>st</sup> Defendant was given the number of one SUPOL Macdonald Agbotian and told to call him to resolve the matter.
6. That he gave the number to his lawyer CHINEDUM GREGORY IKE-OKAFOR who called the 2<sup>nd</sup> Defendant's SUPOL Macdonald Agbotian who informed him that a petition was lodged against the Claimant at the Force CID, General Investigation Department, Alagbon, Lagos State and that the 2<sup>nd</sup> Defendant obtained a Magistrate's order to freeze, restrict and/or place a post-no-debit on the Claimant's account.
7. That his lawyer informed him that a Magistrate is not empowered under the law to make an order to freeze, restrict or place a post-no-debit on any account of the Claimant.
8. That the 2<sup>nd</sup> Defendant is not empowered under the law to seek for and obtain an order to freeze, restrict and/or place a post-no-debit on the Claimant's account. The Nigeria Police Force (Establishment) Act, 2020 was attached as **Exhibit C5**.
9. That the Claimant has never been invited by the 2<sup>nd</sup> Defendant to report to the 2<sup>nd</sup> Defendant's office in order to answer to any petition and/or any ongoing investigation against her.

10. That the Claimant was not served with any order of court obtained from a competent court of law by the 2nd Defendant to freeze, restrict or place a post-no-debit on the bank account of the Claimant.

Counter Affidavit deposed to by Faruk Idiario for 1<sup>st</sup> Defendant

1. That he is an employee with the 1st Defendant in this suit.
2. The Claimant's account number 0699109316 was placed on POST NO-DEBIT by the 1st Defendant.
3. The said POST NO DEBIT was placed pursuant to an Order of a Magistrate Court of Osun State sitting at Osogbo dated March 18, 2022. The said Court Order was attached as Exhibit ACCI.
4. The said Order was made available to the 1<sup>st</sup> Defendant by a letter of the 2nd Defendant dated the 24th day of March, 2022. The said letter was attached herein as Exhibit ACC2.
5. The Claimant was advised of the said POST-NO-DEBIT when he made an inquiry as to why it could not access the funds in its account.
6. That the 1<sup>st</sup> Defendant could not accede to a vacation of the Court Order as same could only be done by a vacation of the court order.

The Claimant filed a Further and Better Affidavit on 24<sup>th</sup> June, 2022 and Chinedu Ndupu deposed as follows;

1. That contrary to paragraph 3 of the 1st Defendant's Counter-Affidavit, the Claimant is a company incorporated under the relevant laws in Nigeria. The Claimant's Certificate of Incorporation was attached as Exhibit C6.
2. That the name of the company affixed on Exhibit ACC1 as attached to the 1<sup>st</sup> Defendant's Counter-Affidavit is "HibroMuiti Resources Limited" That the name of the company affixed on Exhibit ACC2 as attached to the 1<sup>st</sup> Defendant's Counter- Affidavit is "HibroMuitiResourced Limited",
3. That the Claimant's name as registered with the Companies Affairs Commission is "Chibros Multi Resources Limited" as shown in Exhibit C6.
4. That contrary to paragraph 8 of the 1<sup>st</sup> Defendant's Counter-Affidavit, the 1<sup>st</sup> Defendant owes the Claimant a fiduciary duty of care to ensure that any competent law enforcement agency satisfies necessary requirements of the law before the 1<sup>st</sup> Defendant honours a request to freeze the account of the Claimant.

5. That the Claimant opened its account with the 1<sup>st</sup> Defendant in Abuja through one of the 1st Defendant's branches in Abuja.
6. That the Claimant has never conducted business in Lagos State, Osogbo, Osun State or in any state outside jurisdiction of this Honourable Court.
7. That he was informed by CHINEDUM GREGORY IKE-OKAFOR, Esq, counsel to the Claimant;
  - a) That the Claimant is a legal/juristic personality under the law, with the capacity to sue and be sued in its own name
  - b) That the Claimant Chibros Multi Resources Limited is an entirely independent and different legal personality from either HibroMuiti Resources Limited and/or HibroMuitiResourced Limited as contained in the 1st Defendant's Exhibit ACCI and ACC2, respectively.
  - c) That, in the eyes of the law, Chibros Multi Resources Limited cannot be substituted with HibroMuiti Resources Limited and/ or HibroMuitiResourced Limited.
  - d) That, in the eyes of the law. Chibros Multi Resources Limited cannot be held liable for any alleged crime committed by HibroMuiti Resources Limited and/or HibroMuitiResourced Limited.
  - e) That an order issued in the name of a non-juristic person is invalid and void.
  - f) That Exhibit ACC1 made in the name other than that of the Claimant is invalid and void in the eyes of the law.
  - g) That the 1st Defendant owes the Claimant a fiduciary duty of care to ensure that the Claimant's account is only frozen through competent order of court which spells out the correct name of the Claimant.
  - h) That the 1st Defendant's counsel was not instructed to hold brief for the 2nd Defendant.
  - i) That a Magistrate is not empowered under the law to make an order to freeze, restrict or place a post-no-debit on any account of the Claimant.
  - j) That the 2nd Defendant is not empowered under the law to seek for and obtain an order to freeze, restrict and/or place a post-no-debit on the Claimant's account. The Nigeria Police Force (Establishment) Act, 2020.
  - k) That this Honourable Court, being the last hope of the common man is empowered to ensure that the rights of the Claimant are protected and safeguarded from being abused by the Defendants.
8. That the Claimant was not served with Exhibit ACC1 or any order of court obtained from a competent court of law by the 2nd Defendant to freeze, restrict or place a post-no-debit on the bank account of the Claimant.

9. Unless this Court intervenes, the Defendants will continue to frustrate and persecute the Claimant and other innocent good citizens of Nigeria.

Parties filed their respective written addresses and adopted their respective processes save the 2<sup>nd</sup> Defendant who neither filed processes nor where they represented despite service upon them of the Originating processes and hearing notices.

The 2<sup>nd</sup> Defendant did not appear before this court neither did they file any processes in response to the Originating Motion and Further Affidavit of the Claimant. In the circumstance of this case, where the 2<sup>nd</sup> Defendant failed and neglected to file any counter process in opposition to the evidence adduced by the Claimant, the case of Claimant remains unchallenged, uncontroverted and not rebuttable. see the case of: ***ASAFA FOODS FACTORY V. ALRAINE [NIG] LTD [2002] 12 NWLR [PT.781] 353***

However, this court before it arrives at its decision must still consider the evidence of the Claimant irrespective of the fact that the 2<sup>nd</sup> Defendant failed to file his defence to the Originating Motion. The burden still rests on the Claimant to prove his case even though the requirement is minimal proof.

The law is that a plaintiff must establish the case he put forward by credible evidence. He must satisfy the court by the evidence called by him. see ***OGOLO V FUBARA (2003) 5 SC 41.***

A plaintiff must succeed upon the strength of his case and not on the weakness of the defence, although he is entitled to rely on evidence revealed in such weakness to strengthen his case. See ***OTUNBA ABDULLATEEF OWOYEMI V PRINCE OLADELE ADEKOYA (2013) 12 SCNJ 131.***

On 22<sup>nd</sup> September, 2022 this court asked parties to address it on the issue of the jurisdiction of this court to entertain this matter in the light of the Order of the Court that was obtained in Osogbo, Osun State.

In the Claimant's written address, Chinedum Gregory Ike-Okafor Esq. submitted a sole issue for determination, to wit:

***"What is the jurisdiction of this court to entertain this matter in the light of the Order of Court that was obtained in Osogbo?"***

For her part, Ifeoma C. Nnamdi-Okonkwo Esq. posed one issue for determination in the 1<sup>st</sup> respondents' written address, which is:

***"Whether the court has the jurisdiction to entertain this suit vis-à-vis the Order of Court that was obtained from the Magistrate Court in Osogbo?"***

From the submissions of the learned counsel, the Court will determine this Application on the following issue, which is:

***"Whether, the court has the jurisdiction to entertain this suit vis-à-vis the Order of Court that was obtained from the Magistrate Court in Osogbo?"***

**SUBMISSIONS OF LEARNED COUNSEL FOR THE CLAIMANT:**

Counsel submitted that there are certain parameters that determine a court's jurisdiction relying on **MADUKOLUM V NKEMDILIM (1962) 2 ALL NLR 581 @ PAGE 583**. The four hurdles that would have deterred this court are;

- The court is properly constituted in number being a high court only one judge is empowered to sit.
- Subject matter is for interpretation of statutory provisions and to answer questions on law which court is empowered to interpret and answer.
- The commencement of the matter by way of an originating summons means it has been initiated by due process of law.
- There is no condition precedent set up by law or parties in the suit hindering the court from entertaining the matter.

Counsel argued that in determining territorial jurisdiction it is not the wishes or consent of parties that confers jurisdiction but the nature of the claim before the court and the constitution and/or other statutes that confer jurisdiction on a court, **MRS MATHILDA ADERONKE DAIRO V UNION BANK OF NIGERIA PLC (2007) NWLR (PT 1059) 99 @ 143-144, PARAS G-A**.

The nature of the claim before this court according to the Claimant counsel is a customer/banker relationship which is binding between the parties and being a simple contract between the parties, this court has jurisdiction to entertain the matter. Relying on **NDIC V OKEM ENTERPRISES (2004) 4 SC (PT 11) 77 AT 111** and in the course of their relationship the 1<sup>st</sup> Defendant placed a post-no-debit at the mandate of

the 2<sup>nd</sup> Defendant. The Claimant has approached this court to determine whether or not the Act establishing the 2<sup>nd</sup> Defendant empowers it to seek and obtain a restriction/post-no-debit order to block the claimant from accessing its account.

The 1<sup>st</sup> Defendant brandishing a banker's order obtained from magistrate court Osogbo and procured by 2<sup>nd</sup> Defendant. Neither the 2<sup>nd</sup> defendant nor the magistrate court had the power to obtain/grant said order. Relying on the cases of;

- 1. C.E OSEMENE V GUARANTY TRUST BANK SUIT NO LD/1961GCM/2017 LAGOS STATE HIGH COURT, DELIVERED BY JUSTICE K. ALOGBA ON 24/5/2019 UNREPORTED**
- 2. MRS EUNICE ODDIRI (NEE ESISO) V ZENITH BANK UNREPORTED SUIT NO FHC/ABJ/CS/1635/2019 FEDERAL HIGH COURT, DELIVERED BY HON. JUSTICE I. EKWO.**

Counsel concluded by urging court to consider that the matter was hinged on banker/customer relationship and this court has the jurisdiction to entertain this matter. The claimant's registered address is within the jurisdiction of this court and the Defendants also function and operate within the jurisdiction of this court hence bestowing territorial jurisdiction to entertain this matter on the court.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE 1<sup>st</sup> DEFENDANT:**

Ifeoma C.Nnamdi-Okonkwo Esq. defined Jurisdiction as the authority the court has to entertain a matter relying on the apex decisions of;

- **ANI V OUT (2017) 12 NWLR (PT 1578) 30 @ 51 PARA E**
- **ADEGBISIN V MIL. GOV. LAGOS STATE (2017) 10 NWLR (PT 1547) 442 @ 457 PARAS G-H**
- **A.G KWARA STATE V ADEYEMO (2017) 1 NWLR (1546) 210 @ 239 PARAS C-E**

Nnamdi-Okonkwo Esq. posited that the claimant's account was frozen pursuant to an Order of Court obtained from a Magistrate Court of Osun State sitting at Osogbo. In Paragraph 8 of the Claimant's affidavit in support of its originating summons, the claimant informed the court that a post no debit was lodged on its account by the 2<sup>nd</sup> Defendants Force CID, General Investigation Department, Alagbon, Lagos State and thus, the cause of action did not emanate from Federal Capital Territory, Abuja. The venue at which a cause of action arose determines the jurisdiction of the court **MADUKOLUM V NKEMDILIM (1962) 2SCNLR 341.**



The events that gave rise to the cause of action, the order of the court and the post-no-debit mandate did not occur within the jurisdiction of the High Court of the Federal Capital Territory and so this court is robbed of the jurisdiction to entertain this suit.

Counsel argued that it is not the wish or consent of parties that confers jurisdiction but the nature of the claim ***DAIRO V UBN (2007) 16NWLR (PART 1059) 99 @ 143-144 PARAS G-A***

A court in one state of the Federation does not have jurisdiction to hear and determine a matter either exclusively within the jurisdiction of another state or which arose within the jurisdiction of another state. Relying on ***MAILANTARKI V TONGO (2018) 6NWLR (PT 1614) 69 @ 86 PARAS C-D. DALHATU V TURAKI (2003) 15 NWLR (PT 843) 310 @ 342-343 PARAS H-E***

### **DECISION OF THE COURT:**

Before this court will determine the issue of territorial jurisdiction, there is an issue raised as to whether CHIBROS MULTI RESOURCES LTD is one and the same as HIBROS MUITI RESOURCES LTD and/or HIBROS MUITI RESOURSED LTD, for purposes of confirming if it is the same company both parties in this suit are referring to.

The 1<sup>st</sup> Defendant in paragraphs 4 to 7 of their Counter Affidavit in opposition to the Originating Summons, deposed thus;

- The Claimant's account number 0699109316 was placed on POST-NO-DEBIT by the 1st Defendant.
- The said POST NO DEBIT was placed pursuant to an Order of a Magistrate Court of Osun State sitting at Osogbo dated March 18, 2022. The said Court Order is herein attached as "Exhibit ACCI."
- The said Order was made available to the 1<sup>st</sup> Defendant by a letter of the 2nd Defendant dated the 24th day of March, 2022. The said letter is attached herein as "Exhibit ACC2."
- The Claimant was advised of the said POST-NO-DEBIT when he made an inquiry as to why it could not access the funds in its account.

In the Claimants Further and Better Affidavit in response to the Defendants Counter-Affidavit above, Chinedu Ndupu in paragraphs 3-5 deposed thus;

- That the name of the company affixed on Exhibit ACC1 as attached to the 1<sup>st</sup> Defendant's Counter-Affidavit is "HibroMuiti Resources Limited".

- That the name of the company affixed on Exhibit ACC2 as attached to the 1<sup>st</sup> Defendant's Counter- Affidavit is "HibroMuitiResourced Limited".
- That the Claimant's name as registered with the Companies Affairs Commission is "Chibros Multi Resources Limited" as shown in Exhibit C6.

I am not unmindful of the fact that delving into this issue would amount to deciding the substantive matter at this preliminary stage. It is the law and practice that when a preliminary objection is raised to determine a suit in limine, the main material for consideration is the originating process case of ***MR AKANNI OYEDELE & ORS. MR WASIU AJAYI & ORS (2014) LPLER – 23101.***

Looking at the Originating summons itself, on the face of it, issue one states;

**“WHETHER, by virtue of Section 4 of the Nigeria Police Force (Establishment) Act, 2020, the 2<sup>nd</sup> Defendant is empowered under the law to seek and obtain a restriction/post-no-debit order to freeze the current account of the Claimant with account number 0699109316 which is domiciled with the 1<sup>st</sup> Defendant.”**

The account number stated in the originating summons has been blocked according to the claimant. However, there is a banker's order from Osun state according to the 1<sup>st</sup> Defendant which they acted upon and this court has to determine whether it has territorial jurisdiction in light of the existence of a banker's order from Osun State. The issue raised as to whether CHIBROS MULTI RESOURCES LTD is one and the same as HIBROS MUITI RESOURCES LTD and/or HIBROS MUITI RESOURCED LTD, for purposes of confirming if it is the same company both parties in this suit are referring to cannot be decided at this stage.

The main issue before me is **whether this court has territorial jurisdiction.**

Jurisdiction is the life-wire of a court as no court can entertain a matter where it lacks jurisdiction. The issue of jurisdiction can be raised at any time. See apex decision of ***DAIRO V UBN PLC (2007) 7 SC (PT II) PAGE 97 @ 111 paras 5-10.***

In the apex court decision of ***AUDU V APC (2019) LPLER 48134 SC PAGE 12,*** the court defined jurisdiction thus;

**"Jurisdiction simply means "a Court's power to decide a case or issue" Black's Law Dictionary 9th Ed. Jurisdiction also refers to "the authority a Court has to decide matters that are litigated before it or to take cognizance of matters presented in a formal way for its decision" - Mobil Producing (Nig.) Unlimited V. LASEPA (2002) 18 NWLR (R. 798) 1 SC. Jurisdiction are of various types; substantive jurisdiction refers to matters over which the Court can adjudicate, and it is usually expressly provided by the Constitution or enabling statutes. There is also "territorial jurisdiction" which is the focus of this Appeal, and it is the territorial limit a Court has power to decide. A territory is a geographic area under the jurisdiction of a governmental authority."**

**PAGE 21** PER AMINA AUGIE JSC held thus;

**".... jurisdiction is the pillar under which the entire case stands, therefore, filing an action in a Court presupposes that the Court has jurisdiction. However, once the Defendant shows that the Court has no jurisdiction then the "foundation of the case is not only shaken but is broken. The case crumbles."**

**See Okolo V. UBN (2004) 3 NWLR (Pt. 859) 87, wherein Tobi, JSC, added;**

**"In effect, there is no case before the Court for adjudication. The Parties cannot be heard on the merit of the case. That is the end of the litigation."**

For a court to be competent, it has to be properly constituted as regards number and qualification of members of the bench, and no member is disqualified for one reason or another; the subject matter of the case is within its jurisdiction, there is no feature in the case which prevents the court from exercising its jurisdiction and the case comes before the court initiated by due process of law and upon fulfillment of any condition precedent to the exercise of its jurisdiction. It has to be brought forward by due process of law. See the locus classicus, **MADUKOLUM V NKEMDILIM (1962) 1 ALL NLR 587 SC.**

In **EKWEZOR V REGISTERED TRUSTEES OF THE SAVIOURS APOSTLE CHURCH 2020 SC LPLER 49568 PAGE 16** the apex court held thus;

**"the jurisdiction of a Court including the trial Court is determined by the plaintiff's claim as disclosed in the writ of summons and/or endorsed in the statement of claim. However, when evidence has been**

**taken before the raising of the issue of jurisdiction, the Court may refer to any part thereof necessary. In this instance a reference to the plaintiff's pleadings becomes necessary to clarify any grey areas. See *Tukur v Government of Gongola State (NO. 2) (1989) 4 NWLR (Pt. 117) P. 517; Mustapha v Government Lagos State (1987) 2 NWLR (Pt.58) 539; Attorney General Kwara State v Olawale (1993) 1 NWLR (Pt. 272) 645; Adeyemi v Opeyori (1976) 9 - 10 SC 31.*"**

Owing to the decisive nature of jurisdiction, it cannot be conferred on or taken away from any court because the parties have agreed or consented to do so. See ***DAIRO V UBN PLC (2007) SUPRA @ 111 PARAS 10-15***. Flowing from the position of the law on jurisdiction, what is cause of action? It is a combination of facts of circumstances giving the plaintiff a right to sue. By a line of authorities, it comprises of two factors namely; the defendants wrongful act and consequential damage suffered by plaintiff. See ***DAIRO V UBN PLC (2007) 7 SC (PT II) PAGE 97 @ 160 PARAS 5-15***.

The cause of action before this court is that a post-no-debit mandate was lodged by the 2<sup>nd</sup> Defendant's Force CID, General Investigation Department, Alagbon, Lagos State EXHIBIT ACC2 and the Order of the Magistrate Court in Osun State, sitting in Osogbo EXHIBIT ACC1.

It is clear that the cause of action did not occur within the Federal Capital Territory, Abuja.

In ***DALHATU V TURAKI (2003) 15 NWLR PART 843 P.310 @ PAGE 338 PARAS F-H, OGUNDARE JSC*** of blessed memory in his concurring judgment held that it is the **Constitution of the Federal Republic of Nigeria, 1999** that one has to look to determine the jurisdiction of the high court of the Federal Capital territory Abuja as it is **section 255(1)** that established that court. **Section 257** sets out its jurisdiction thus;

**"(1) Subject to the provisions of section 251 and any other provisions of this Constitution and in addition to such other jurisdiction as may be conferred upon it by law, the High Court of the Federal Capital Territory, Abuja shall have jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty, liability privilege, interest, obligation or claim is in issue or to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person.**

**(2) The reference to civil or criminal proceedings in this section includes a reference to the proceedings which originate in the High Court of the Federal Capital Territory, Abuja and those which are brought before the High Court of the Federal Capital Territory, Abuja to be dealt with by the Court in the exercise of its appellate or supervisory jurisdiction."**

Page 339 G-H

**"I have taken pains to discuss this judgment on territorial jurisdiction of a court in view of recent development whereby litigants rather than suing in the proper courts come to the High court of the Federal Capital Territory Abuja. I think their Lordships of the High court of the federal Capital Territory ought to be circumspect before deciding whether or not it is wise and correct to exercise jurisdiction in matters outside the territory of the federal Capital Territory. Their court unlike the Federal High Court has jurisdiction only in matters arising out of the High court of the Federal Capital Territory Abuja"**

Ejinwunmi JSC p. 343 paras B-C;

**"I think it must be remembered that by our constitution, each State of the Federation is independent of the other and the jurisdiction of each state is limited to matters arising in its territory."**

In ***MAILANTARKI V TONGO (2018) 6NWLR PART 1614 PAGE 69 @PAGE 86 PARAS C-E;***

**"In Rivers State Government & Anor v Konsult (Swedish group) (supra), the poignant statement of the law, relevant and very material to our federal structure, is that a court in one state of the federation does not have the jurisdiction to hear and determine a matter either exclusively within the jurisdiction of another state or which arose within the territory of another State. No court in any State, including the FCT High Court has extra territorial jurisdiction."**

In Page 87 Paras A-C;

**“The jurisdiction of the High Court of the Federal Capital Territory Abuja which is regarded as a State High Court by virtue of section 299 (a) of the 1999 Constitution (as amended) does not extend to matters that arise outside the Federal Capital Territory Abuja and vice versa.”**

In ***AUDU V APC (SUPRA) PAGES 20-21 PARAS G-D***

**“The question now is what is the effect of filing a Suit in another territory, district or locality that lacks jurisdiction, territorial that is, to entertain the matter? The answer is that jurisdiction is the pillar under which the entire case stands, therefore, filing an action in a Court presupposes that the Court has jurisdiction. However, once the Defendant shows that the Court has no jurisdiction then the "foundation of the case is not only shaken but is broken. The case crumbles"-**

**See Okolo V. UBN (2004) 3 NWLR (Pt. 859) 87, wherein Tobi, JSC, added;**

**In effect, there is no case before the Court for adjudication. The Parties cannot be heard on the merit of the case. That is the end of the litigation.”**

The admonition of Ogundare JSC of blessed memory rings loudly and this court is most guided by same. The court cannot shut its eyes to the fact that the Bankers order Exhibit ACC1 emanated from Osun State Magistrate Court and the post-no-debit mandate emanated from 2<sup>nd</sup> Defendant’s Force CID, Force CID General Investigation Department Unit, Alagbon, Lagos State. The only right-thinking approach is for the claimant to either apply for the order to be set aside by the court that granted it, or approach the High Court of Osun State to have such Order set aside.

Having found that this court lacks the territorial jurisdiction to entertain this matter, I answer the issue raised in the negative and hereby strike out this suit.

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**HON. JUSTICE NJIDEKA K. NWOSU-IHEME  
[JUDGE]**

**Appearance of Counsel:**

1. Emmanuel C. Udegbumam for the Applicant.
2. Ifeoma C. Nnamdi-Okonkwo for the 1<sup>st</sup> Defendant.
3. 2<sup>nd</sup> Defendant was absent and unrepresented.