

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT COURT NO. 4, MAITAMA ON THE**

**27<sup>TH</sup> DAY OF JUNE, 2023**

**BEFORE HIS LORDSHIP: HON. JUSTICE U. P. KEKEMEKE**

**SUIT NO. FCT/HC/CV/732/2012**

**MOTION NO. M/2915/2022**

**COURT CLERKS: JOSEPH ISHAKU BALAMI & ORS.**

**BETWEEN:**

MR. CHINEDU ILOABACHIE ..... CLAIMANT/JUDGMENT CREDITOR

AND

HON. ALIYU GEBI ..... DEFENDANT/JUDGMENT DEBTOR

**AND BETWEEN:**

AHMED ABUBAKAR ..... CLAIMANT/APPLICANT

AND

1. MR. CHINEDU ILOABACHIE ..... JUDGMENT CREDITOR/  
RESPONDENT

2. DEPUTY SHERRIFF, HIGH COURT OF  
THE FEDERAL CAPITAL TERRITORY... RESPONDENT

**RULING**

This is an interpleader application, M/2915/2022 brought by the Claimant/Applicant. The Applicant claims that he

is the lawful owner of the white Range Rover Jeep with Registration No. KUJ 115 LC, Chasis No. SALVA2BC4EH938655 and Custom Wrangler SUV possessing Registration No. RSH 223 MK, Chasis No. 1JIFY9S0WP750957 and eVreg ID: POC5416897091607 attached in execution of the Judgment of this Court delivered on 16/05/2013 and further Ruling on 04/03/2021 and subsequent process of this Court issued on 01/03/2022 at the instance of the Claimant/Judgment Creditor against the Defendant/Judgment Debtor.

The Claimant/Applicant further states that the Defendant/Judgment Debtor has no legal or equitable interest in the white Range Rover Jeep, Custom Wrangler SUV and eVreg.

The application is supported by particulars and grounds of claim. The learned Counsel relies on the 28-paragraph Affidavit deposed to by the Claimant. He is the Claimant resident at No. 18 Addisa Ababa Crescent, Zone 4, Wuse District, Abuja within the jurisdiction of this Court.

That he is the sole and legal owner of the white Range Rover Jeep, Custom Wrangler SUV and eVreg unlawfully attached and removed from No. 66, Ademola Adetokunbo Crescent, Wuse II, Abuja on 01/03/2022 purportedly in satisfaction of a Judgment sum in Suit No. FCT/HC/CV/732/12 between 1<sup>st</sup> Respondent and Judgment Debtor.

The inventory of movable properties taken by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents is attached as Exhibit A2. The Vehicle Registration Receipt he paid is Exhibit A3.

After the payment, he was issued with General Motor Certificate. A copy is Exhibit A4. He also paid for and was given a Computerized Vehicle Inspection Pass with a receipt. A copy of receipt is Exhibit A5.

The Claimant's Certificate of Road Worthiness in respect of the vehicle is Exhibit A6 while his Third Party Vehicle

Policy is Exhibit A7. Claimant's Proof of Ownership Certificate issued by the FCTA is Exhibit A8.

He further deposed he is also the owner of Custom Wrangler SUV and eVreg. Its Registration Receipt and Registration Certificate are Exhibits A9 and A10, while Computerised Vehicle Inspection Pass and receipt is Exhibit A11.

The said Vehicle Certificate of Road Worthiness is Exhibit A12 while the Third Party Insurance is Exhibit A13.

That on 01/03/2022, the 2<sup>nd</sup> Respondent at the instance of the 1<sup>st</sup> Respondent came to No. 66, Ademola Adetokunbo Crescent, Wuse II, Abuja where they unlawfully attached and towed away his white Range Rover Jeep, Custom Wrangler SUV and eVreg knowing fully well that they are not part of the movable property of the Judgment Debtor.

That he did not use the cars as security for any transaction between the Judgment Debtor and 1<sup>st</sup> Respondent. That the attachment of his cars in satisfaction of the judgment debt in FCT/HC/CV/732/12 between the 1<sup>st</sup> Respondent and Judgment Debtor is wilful and malicious.

That on account of the conduct of 1<sup>st</sup> and 2<sup>nd</sup> Respondents, he is now compelled to incur legal expenses.

He prays for the following reliefs:

- (1) A declaration that the Claimant is not a party or Judgment Debtor in Suit No. FCT/HC/CV/732/12 between MR. CHINEDU ILOABACHIE and HON. ALIYU GEBI.
- (2) A declaration that the Claimant is the sole owner of the white Range Rover Jeep bearing Registration No. KUJ 115 LC and Chasis No. SALVA2BC4EH938655 and Custom Wrangler SUV possessing Registration No. RSH 223 MK, Chasis No. 1JIFY9S0WP750957 and eVreg

POC5416897091607 unlawfully attached and removed on 01/03/2022.

- (3) An Order of Court releasing the white Range Rover Jeep, Custom Wrangler SUV and eVreg unlawfully attached and removed on 01/03/2022 in satisfaction of the Judgment.
- (4) An Order for ₦20 Million as damages for their unlawful conducts.
- (5) ₦1 Million being cost of the action.

The 1<sup>st</sup> Respondent relied on his Counter Affidavit. That Counsel led the Enforcement Officers to the business place of the Judgment Debtor on 01/03/2022. That the facts in the Affidavit are not true, concocted falsehood.

That where enforcement took place is different from Claimant/Applicant's residence. That enforcement took place in the business place of Judgment Debtor. That

Judgment Debtor owns all the properties attached as same vehicles had long been parked in his business place at 65 Ademola Adetokunbo Crescent, Wuse II, Abuja.

That the documents proving ownership of the said properties were procured and acquired immediately after the said enforcement of Judgment was carried out. That all attached documents are in respect of the Range Rover Jeep.

That contrary to paragraphs 12 and 16 of deposition of Claimant in respect of registration date, all attached documents purportedly showing ownership of the attached vehicles were processed and procured on the 01/03/2022 at about 3.32 p.m. shortly after the enforcement of the Judgment.

That no document was attached to show that vehicle particulars were renewed. That the said vehicles were not towed but driven to Magistrate Court, Life Camp by the Judgment Debtor's staff.

The Judgment Debtor's Manager voluntarily brought out the keys of the three vehicles. The Claimant's rights were not violated. No custom papers, sales agreement, receipt of purchase are availed the Court.

That it is in the interest of justice to dismiss the application.

I have also read Claimant's Further Affidavit in response to 1<sup>st</sup> Respondent's Counter Affidavit and Written Addresses of Counsel.

It is the duty of the Claimant/Applicant in this interpleader proceeding to prove that the aforementioned vehicles belong to him. To succeed, the Claimant/Applicant must give credible evidence with Proof of Ownership of the said vehicles.

I have read the Claimant's documents from Exhibits A2 - A3, A4, A5 - A13.



Exhibit A2 is the Inventory of Movable Properties taken. The names of the vehicles the subject matter of this proceedings are Nos. 1 - 3. The inventory is dated 01/03/2022 which shows that execution was levied on 01/03/2022.

Exhibit A3 is General Motor Receipt purportedly issued by the Directorate of Road Traffic Services. It is equally dated 01/03/2022 precisely at about 3.32 p.m.

Exhibit A6, the Certificate of Road Worthiness is equally dated 01/03/2022. The Insurance Certificate - Exhibit A7 is similarly dated. The Proof of Ownership was issued consequent upon the Exhibits all dated 01/03/2022.

All the above documents are in respect of the Range Rover Jeep. The vehicle particulars of the other two vehicles are not availed the Court. The purchase receipts, custom papers, if any, and or agreement of sale of the vehicles are not availed the Court.

What it clearly shows is that the vehicles were purchased and or transferred to the Claimant/Applicant after the execution of Judgment.

The Exhibits tendered in proof of the Claimant/Applicant's claim in respect of the white Range Rover are not cogent and credible. They are clearly concocted, arranged and procured for the purpose of this application.

The Court does not need much probing to see and know the falsity of the evidence and documents. No craftiness, cleverness and industry is shown in this unwholesome arrangement as shown in his application. The application, evidence and exhibits are a sham.

The Claimant/Applicant is unable to prove his claim. It fails for lack of merit and it is accordingly dismissed.

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**HON. JUSTICE U. P. KEKEMEKE**  
(HON. JUDGE)  
27/06/2023

Claimant present.

P. F. Joseph, Esq. with O. S. Akintoye, Esq. and Kayode  
Adebayo, Esq. for the Judgment  
Creditor/Respondent.

Mallam Mohammed Shuaib appears for the Applicant.

**COURT:** Ruling delivered.

(Signed)  
**HON. JUDGE**  
27/06/2023