

**IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GWAGWALADA-ABUJA
ON MONDAY THE 9TH DAY OF OCTOBER, 2023**

**SUIT NO: FCT/HC/CV/251/2023
MOTION NO: M/10488/2023**

BEFORE HIS LORDSHIP: HON. JUSTICE A. I. AKOBI

BETWEEN

ENGR. JOSIAH CHUKWUMA NGONAGO.....PETITIONER/APPLICANT

AND

1. CHUMAIFE PIUS NZE

2. NANCY CHIKA ODILI NGONADI}.....RESPONDENTS

R U L I N G

This court heard a Motion Ex parte moved on the 10/7/23 by C. Nwaakorjie Esq. The motion is dated and filed the 6/6/2023, brought pursuant to section 287(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), section 105 of the Sheriff and Civil Process Act, Cap S6 LFN 2004; Order 43, Rule 1 and Order 52 Rule 9(5) of the High Court of Federal Capital Territory (Civil Procedure) Rules 2018 and under the inherent jurisdiction of this Honourable Court. It is seeking the following reliefs:

1. **An Order** of this Honourable Court granting leave to the Petitioner/Applicant to register the judgment/ruling in suit

no: JG/251/2019 delivered by the High Court of Justice, Jigawa State on the 14th day of February, 2019.

2. **An Order** of this Honourable Court directing that the said judgment/ruling be enforced against the Respondents.
3. **And** for such further Order (s) this Honorable Court shall deem fit to make in the circumstances of this case.

The application is anchored on 9 grounds with 5 paragraphs of affidavit in support disposed to by the petitioner/applicant himself with one exhibit- certificate of judgment. It is also supported by a written address.

Facts before me shows that the petitioner/applicant instituted this action under the Matrimonial causes Act against the respondent in 2018 in suit no: JG/251/2019, at the High Court of Justice, Jigawa State and judgment was delivered on the 14th day of February, 2019.

The applicant had filed this application seeking permission of the Honourable Court to have the said judgment registered for purpose of execution of the judgment.

The procedure for registration of judgment is governed by Sheriffs and Civil Process Act. And the purpose and essence of registration of judgment delivered in another state is for the registering court to exercise jurisdiction over execution of the judgment. The provision of section **104** of the SCPA state thus:

“Any person in whose favour a judgment is given or made in a court of any state or the Capital Territory may obtain from the registrar or other proper officer of such court a certificate of such judgment in the form and **containing** the particulars set forth in the Second Schedule or as near thereto as the circumstances will permit, which certificate such officer is hereby required to grant under his hand and the seal of such court”.

105: (1) Upon production of such certificate to the registrar or other proper officer of any court of like jurisdiction in any other state or the Capital Territory such officer shall forthwith register the same by entering the particulars thereof in a book to be kept by such office and to be called "The Nigerian Register of Judgment.

(2) From the date of registration the certificate shall be a record of the court in which it is registered, and shall have the same force and effect in all respects as a judgment of that court, and the like proceedings may be taken upon the certificate as if the judgment had been a judgment of that court. It is averred in paragraph 3 of the affidavit that the grant of this application is necessary for the judgment to be registered and to enable the petitioner/applicant to enforce the judgment.

It is important to state that I carefully went through the process filed before me, and I was unable to see any order of stay of execution or Notice of Appeal against the judgment in question. . It is settled that the Court does not form the habit of depriving a successful party the enjoyment of the fruits of his judgment save on a cogent and compelling reason. The Court of Appeal per Thomas, J.C.A., in **Uket vs. Ukpa (2006) 8 NWLR (Part 983)**, stated thus: "I am therefore, not going to deprive the respondent by denying him the fruit of his judgment which was delivered in Suit No: YDC/85/89...."

Taking a cue from the above decision, and considering that the grant of this application is a condition precedent for the applicant to register the judgment and to levy execution, I shall not therefore deny him of the grant of this application. Accordingly, I hereby grant the applicant's application and make order:

1. Granting leave to the petitioner/applicant to register the judgment/ruling in suit No: JG/251/2019 delivered by the

High Court of Justice, Jigawa state on the 14th day of February, 2019.

2. **An Order** is also made directing that the said judgment/ruling be enforced against the respondents.

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HON. JUSTICE A. I. AKOBI
09/10/2023