

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT NYANYA
ON MONDAY 6TH JUNE, 2022
BEFORE HIS LORDSHIP: HON. JUSTICE EDWARD OKPE

SUIT NO. SUIT NO: FCT/NY/CV/64/2021
MOTION NO. FCT/HC/NY/M/4159/22

BETWEEN

ADURAGBEMI AIYEBUSI-----APPLICANT

AND

NNAJI CHIGOZIE OMENMAYOR ----- RESPONDENT

RULING

The Judgment Debtor/Applicant filed this Motion No. M/4159/22 on 4/4/22 pursuant to Section 21 of the Sheriffs and Civil Process Act, and under the Inherent Powers of this Honourable Court seeking the following reliefs:

1. **AN ORDER** granting the Judgment Debtor/Applicant, to pay the judgment sum of N2, 500,000.00 in instalments of N50, 000.00 until the whole sum is fully paid.
2. **AND SUCH OTHER OR FURTHER ORDERS** as this Honourable Court may deem fit to make in the circumstances of this case.

This Motion is supported by 15 Paragraphs Affidavit deposed to by the Judgment Debtor -AbduragbemiAiyegbusi. Attached to the motion is a written address which his counsel adopted at the hearing of the motion and urged the court to grant their application as prayed.

In response to the said motion, the Judgment Creditor filed a counter Affidavit of 18 paragraphs deposed to by the Judgment Creditor himself. A written address was also filed alongside the counter affidavit which was adopted at the hearing of the motion by counsel to the Judgment Creditor who urged the court to refuse the prayers sought on the motion paper.

Upon being served with the Judgment Creditor's counter affidavit, the Judgment Debtor on 17/5/22 filed a further and better affidavit of 18 paragraphs still in support of the motion for instalmental payment of the judgment sum. A written address was also attached therein in urging the court to grant his application.

I have carefully read the said written addresses of counsel for the respective parties and all the processes filed in connection with this motion. Reference will be made to them as the need arises. The case on either side may be gleaned from the salient paragraphs of their affidavit and counter affidavit respectively filed in this regard.

The sole issue for determination herein is:-----