



- 1) An order attaching the sum of N3,923,816 (Three Million, Nine Hundred and Twenty-Three Thousand Eight Hundred and Sixteen Naira) only standing to the credit of the judgment debtor with the garnishee to satisfy the balance of the judgment of his Lordship Hon. Valentine Ashi J. delivered on 5<sup>th</sup> December, 2018 in suit Number FCT/HC/CV/0362/17.
  
- 2) An order directing the garnishee to appear before this honourable court to show cause why they should not pay over to the judgment creditor the sum of N3,923,816 (Three Million, Nine Hundred and Twenty-Three Thousand , Eight Hundred and and Sixteen Naira) only, being the amount owed the judgment creditor by the judgment debtor with respect to the consent judgment sum awarded by this Honourable Court in suit No FCT/HC/CV/0362/17.

The garnishee banks involved in the matter and affected by the above order are;

1. Guarantee Trust Bank Plc
2. Zenith Bank Plc
3. First City Monument Bank Plc
4. United Bank for Africa Plc
5. First Bank Plc
6. Fidelity Bank Plc
7. Keystone Bank Plc
8. Heritage Bank Plc
9. Wema Bank Plc
10. Eco Bank Plc

They were promptly served with the enrolment order of this court. Eight (8) of them responded to the court order while two (2) did not. Of the Eight that responded, Five (5) did not have any money

belonging or standing to the credit of the judgment debtor with them. Those garnishee banks are:

1. Zenith Bank Plc
2. First Bank Plc
3. Fidelity Bank Plc
4. Keystone Bank Plc
5. Ecobank Plc

The remaining three (3) banks have various sum of monies to the credit of the judgment debtor with them. The banks and the amount with them are reflected below:

1. Guaranty Trust Bank Plc N535,295 (Five Hundred and Thirty-Five Thousand, Two Hundred and Ninety-Five Naira) only.
2. United Bank for Africa Plc – N80,651 (Eighty Thousand, Six Hundred and Fifty-One Naira) only.
3. Wema Bank Plc – N11,671.00 (Eleven Thousand Six Hundred and Seventy-One Naira) only.

Consequently, upon all the above stated facts, learned counsel to the judgment creditor/applicant, Mr Oluwaseyi Bamigboye with whom was M. Major, urged me to discharge Zenith Bank Plc, First Bank Plc, Fidelity Bank Plc, Keystone Bank Plc and Ecobank Nigeria Plc from this proceeding since they have no money to be attached. As for Guaranty Trust Bank Plc, United Bank for Africa Plc and Wema Bank Plc, he asked me to make order nisi absolute against them to the tune standing to the credit of the judgment debtor with them.

As regard the remaining balance of N3,296,199 (Three Million, Two Hundred and Ninety-Six Thousand, One Hundred and Ninety-Nine Naira) only, learned counsel prayed the court to make the order nisi

absolute against the two remaining garnishee Banks to wit: First City Monument Bank Plc and Heritage Bank Plc, who did not file any affidavit showing cause why that should not be so. He cited and relied on the case of **DIAMOND BANK PLC VS NDUBUISI (2002) FWLR (PT. 105) 736.**

I have considered that application and have no hesitation in saying there is considerable merit in it.

I flipped through and thoroughly, the contents of the Eight (8) affidavit showing cause as filed by the concerned garnishee Banks. The breakdown as expounded by Mr Bamigboye of counsel to the judgment creditor/applicant and indeed as agreed to by the counsel to the affected garnishee are a true reflection of what they filed.

Therefore, Zenith Bank Plc, First Bank Plc, Fidelity Bank Plc, Keystone Bank Plc, and Ecobank Nigeria Plc are hereby discharged from this proceeding.

As for Guaranty Trust Bank Plc, United Bank Plc and Wema Bank Plc, my order nisi of 3 – 12 – 19 is hereby made absolute against them to the extent only of the specific amount standing to the credit of the judgment debtor in their custody.

Lastly and conclusively, the order nisi under reference is hereby made absolute against First City Monument Bank Plc and Heritage Bank Plc to the tune of the remaining N3,296,199.00 (Three Million, Two Hundred and Ninety-Six Thousand, One Hundred and Ninety-NineNaira) only in favour of the Applicant/judgment creditor (Garnishor).

They are the two garnishees that have failed to file any affidavit to show cause why the order nisi should not be made absolute.

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Suleiman Belgore  
(Judge) 20-2-2020.