

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT COURT 10, AREA 11, GARKI, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE S. B. BELGORE

MOTION NO. FCT/HC/M/3825/2024

B E T W E E N

ALHAJI HARUNA JIBRIN & 600 ORS. } JUDGMENT CREDITOR

AND

1. NASARAWA STATE	}	DEFENDANTS/OBJECTORS
2. NASARAWA STATE GOVERNMENT		
3. NASARAWA STATE PENSION BOARD		
4. THE ATTORNEY GENERAL & COMMINER FOR JUSTICE		
5. AKWANGA LOCAL GOVERNMENT		
6. AWE LOCAL GOVERNMENT		
7. DOMA LOCAL GOVERNMENT		
8. KARU LOCAL GOVERNMENT		
9. KEANA LOCAL GOVERNMENT		
10. KEFFI LOCAL GOVERNMENT		
11. KOKONA LOCAL GOVERNMENT		
12. LAFIA LOCAL GOVERNMENT		
13. NASARAWA LOCAL GOVERNMENT		
14. NASARAWA EGGON LOCAL GOVERNMENT		
15. OBI LOCAL GOVERNMENT		
16. TOTO LOCAL GOVERNMENT		
17. WAMBA LOCAL GOVERNMENT		

AND

1.	ZENITH BANK PLC	}	GARNISHEES
2.	FIDELITY BANK PLC		
3.	FIRST CITY MONUMENT BANK LTD.		
4.	UNITED BANK FOR AFRICA PLC		
5.	UNION BANK OF NIGERIA PLC		
6.	ECO BANK PLC		
7.	STANBIC IBTC PLC		
8.	HERITAGE BANK PLC		
9.	ACCESS BANK PLC		
10.	POLARIS BANK LTD.		
11.	STERLING BANK PLC		
12.	UNITY BANK PLC		
13.	GUARANTY TRUST BANK LTD.		
14.	FIRST BANK OF NIGERIA LTD.		
15.	KEYSTONE BANK PLC		

R U L I N G

This Ruling concerned the application vide a Motion on Notice M/325/2021 dated 8th February, 2024 and filed on 12th February, 2024.

The main prayer of the application is an Order dismissing the suit in it's entirely for being an abuse of the process of this Court.

There are 3 grounds upon which the application is predication to wit:

1. The Judgment Creditor/Applicants instituted a garnishee proceeding before the FCT High Court in Suit No. FCT/HC/FJ/11/2021 wherein the presiding Judge Hon. Justice V. S. Gaba, on the 15th day of November, 2021 set aside the order nisi and discharged all the garnishees in the suit.

2. The Judgment Creditors/Applicants proceeded to institute another garnishee proceeding before the High Court of Plateau State in Suit No.PLD/JO1NRJ/2022 wherein the presiding Judge; Hon. Justice N. J. Dadi on the 9th of March, 2022 and upon an application by the Counsel to the Judgment Creditors/Respondents discharged all the garnishees in the suit, and vacated the Order Nisi.
3. The decision of the Court is final and the Court is functus officio and lacks the jurisdiction to entertain this suit.

In support is an 11 paragraphs affidavit deposed to by one Kemi Esemé. The support had 2 Annexes i.e. Acc 1 and Acc 2. There is also a written address attached.

Learned Counsel for the Applicant, Mr. A. T. Kehinde, SAN move the application summarily. He adopted the written address filed as his full argument and referred to the two Exhibits attached i.e. Acc 1 and Acc 2. Learned Silk admitted that Exhibit Acc 2 is a consent Judgment which cannot be reserved by this Court especially that it is a final order which only the Court of Appeal with leave can review.

Mr. Kehinde, SAN then concluded that no party should be allowed to blow hot and cold at the same time and that no party should be allowed to be moving from one Court to the other in pursuit of one goal. Meaning that abuse of Court process should be discouraged. He finally urged me to dismiss this application.

In a short reply, Mr. Okpale of Counsel to the Judgment Creditor/Applicant submitted that while it is true they filed no counter affidavit as the facts presented by the other side are true and correct, there is no abuse of Court process. This according to him is because no similar application to the one under scrutiny is before any Court before.

He urged me to dismiss this preliminary objection.

I have considered this application I flow easily along with the argument of Mr. Okpale. The present application, I mean the main application which is Motion number M/589/2021 is for an order seeking to set aside the order of this Court made on 21st August, 2022 on the grounds stated herein.

It has nothing to do with the Court's order given by Gaba J. and Dadi J. in Jos and as can be gleaned from the Exhibits Acc 1 and Acc 2. So

what we are chiefly concerned with is the order obtained in this Court on 21st August, 2020. No similar order is before any other Court presently.

It is for the above simple reason that I found no abuse of court process in the application seeking to set aside the order. The Preliminary Object with due respect to the Learned Silk is lacking in merit and it is therefore dismiss and discountenance with forthwith.

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S. B. Belgore
(Judge) 18/3/2024

