

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/1852/2021

DATE: 25/1/2024

B E T W E E N

LSA CONCEPT LIMITED

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JUDGMENT CREDITOR/
APPLICANT

AND

1. FEDERAL ROAD SAFETY
COMMISSION (F.R.S.C.)

}

GARNISHEE

2. GREEN COAST SERVICES LTD.
3. OKEIN NICODEMOUS

}

JUDGMENTDEBTORS/
RESPONDENTS

R U L I N G

(DELIVERED BY HON. JUSTICE S. B. BELGORE)

It would be recalled that on the 28th October, 2021, an order nisi was granted in this case and the order was couched thus;

“An Order of the Honourable Court directing the Garnishee to pay the garnishee fund into Account No. 2007515361 First Bank Nigeria Limited and/or issue the

cheque covering the Judgment Debt in the name of Charles Ihearindueme and Associates, Judgment Creditors lead Counsel' Law Firm as instituted by her or pay same over to the Chief Registrar of the High Court of the FCT Abuja"

In response, the sole garnishee which is Federal Road Safety Commission filed an affidavit to show cause dated and filed 4th October, 2022 in which at paragraph 10 admitted her indebtedness to the Plaintiff to the sum of ~~₦~~2,320,000.00 (Two Million, Three Hundred and Twenty Thousand Naira) only.

For avoidance of doubt, the said paragraph 10 says;

"In a meeting held by representative of all the parties in this suit, it was agreed that the sum of ₦3,029,000.00 (Three Million, Twenty-Nine Thousand Naira) owed by the Garnishee to the 2nd Defendant be paid as follows:

- i) The sum of ₦709,000.00 (Seven Hundred and Nine Thousand Naira) be paid to the 2nd Defendant.***
- ii) And the remaining sum of ₦2,320,000.00 (Two Million, Three Hundred and Twenty Thousand Naira) be paid to the Plaintiff's Corporate Account No. 1040420718, Bank P.H.B. by the Garnishee"***

The only thing in contention is to which account is this money going to be deposited?

According to the garnishee, the money is to be deposited to Plaintiff's Corporate Account No. 1040420718 with PHB. This is contained in paragraph 11 of affidavit to show cause filed by the garnishee.

It provides:

“By a letter of Authority dated 14th January, 2010 and jointly signed by Directors of the 2nd Defendant and the Plaintiff, the Garnishee was mandated to pay the sum of ₦2,320,000.00 (Two Million, Three Hundred and Twenty Thousand Naira) to the Plaintiff's Corporate Account No. 1040420718 with PHB. A copy of the said agreement is hereby attached and marked Exhibit FRSC 1”

Paragraph 12 of that affidavit to show cause says;

“At no time did Mr. John Weir (Plaintiff's Managing Director) inform the garnishee that the ₦2,320,000.00 (Two Million Three Hundred And Twenty Thousand Naira) debt be paid to his Counsel Charles Chimezie Ihearindueme's Personal Account”

Reacting to the position of the garnishee as to payment of the money garnisheed to the Plaintiff's Account, he covered in paragraph 10 of the Applicant's further affidavit which reads thus;

“Paragraph 13 of the Garnishee is admitted to the extent that as at 2009 when an agreement was reached that the Garnishee should pay the ₦2,320,000.00 (Two Million, Three Hundred and Twenty Thousand Naira) into Applicant's Corporate Account there was no need to direct the Garnishee to pay the money to

her Counsel's Law Firm's client's account as the Applicant was still doing business in Nigeria and her said account still in operation but when after almost two years of entering into the said agreement and the garnishee still refusing, neglecting and failing to fulfill the obligation of paying the said money into Applicant's Corporate Account, the Applicant decided to take her destiny in her own hands hence, she applied through her Counsel for the interlocutory Judgment the proceeds of which she had instructed the said Counsel to utilize in off-setting some of her indebtedness owed to her creditor thus she does not need to communicate this to the Garnishee who earlier failed to keep to her side of the bargain as the Applicant said corporate account is currently dormant. Copies of the documents evidencing the receipt of the fund lent to the Applicant by Messer's KENMOJO GLOBAL SERVICES LTD. are attached hereto as Exhibits G and H"

I have considered this simple issue. Already, an order Nisi is in existence. The task before this Court is to consider the affidavit to show cause as filed by the garnishee and decide whether to make the order nisi absolute or not.

As I have said earlier, the garnishee has admitted she has the sum of ₦2,320,000.00 (Two Million Three Hundred and Twenty Thousand Naira) belonging to the Applicant and insisting that the said sum is to be paid to Applicant's Account which according to the Applicant's Counsel is dormant.

Now, I will take shield in the order nisi made by this Court which I quoted in the beginning of this ruling by making this order nisi absolute against the garnishee Federal Road Safety Commission (FRSC) and that the said sum admitted by them should be paid to Chief Registrar of this Court.

This is the Ruling of this Court.

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S. B. Belgore
(Judge) 25-1-2024