

IN THE HIGH COURT OF JUSTICE
FEDERAL CAPITAL TERRITORY OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT APO – ABUJA
ON, 28TH APRIL, 2022.
BEFORE HIS LORDSHIP:- HON. JUSTICE A. O. OTALUKA.

MOTION NO.:-FCT/HC/M/154/2022

BETWEEN:

**CECIL CHARLES HALLIDAY WRIGHT:...JUDGMENT-CREDITOR/
APPLICANT.**

AND

**ABUJA CLINICS (NIGERIA) LIMITED:.....JUDGMENT-DEBTOR/
RESPONDENT.**

Nafisa Ali for the Applicant.

RULING.

By a Motion Exparte dated the 11th day of January, 2022 and filed on 12th day of January, 2022;brought pursuant to Section 3 of the Reciprocal Enforcement of Judgments Ordinance of 1922, Cap 175 Lawsof the Federation and Lagos, 1958; Order 43 Rules 1 & 4, Order 49 Rule 4 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2018, and under the inherent jurisdiction of this Court, the Applicant brought this application, praying the Court for the following;

1. An Order extending the time within which the Judgment Creditor/Applicantmay apply to register the Order of the High Court of Justice of England, Queen’s Bench Division delivered on 24th April, 2020 against the Judgment Debtor/Respondent (as 4th Defendant) in the case No:QB-2016-006690:**Cecil Charles Halliday Wright vs. Ecorys UK Limited & 3 Ors.**

2. An Order registering the order of the High Court of Justice of England, Queen's Bench Division delivered on 24th April, 2020 against the Judgment Debtor/Respondent (as 4th Defendant) in the case No:QB-2016-006690 between: **Cecil Charles Halliday Wright vs. Ecorys UK Limited & 3 Ors.**, entering award of costs in favour of the Judgment Creditor/Applicant as borne out in the Enrolled Order as follows:

“1. The Claimant's cost in respect of the 4th Defendant's application dated 8th February, 2018 (to set aside the default judgment) are summarily assessed in the sum of £38,500 plus VAT.

2. The Claimant's cost in respect of the Claimant's application dated 29th January, 2019 (for a declaration that the Claimant may discontinue its claim against the 4th Defendant with no order as to costs given the QOCS provisions) are summarily assessed in the sum of £5,500 (no VAT being claimed).

3. The 4th Defendant do pay the Claimant's costs of today; such costs are summarily assessed at £3,000 plus VAT.”

3. An ancillary order for Reasonable Cost and Expenses projected at an estimate of N591,000.00 (Five Hundred and Ninety-One Thousand Naira) or any other sum as may be reasonably assessed by the Court to undertake the enforcement of the Order of the Court upon registration within jurisdiction.

4. And for such further Order or Orders as the Honourable Court may deem fit to make in this circumstance.

In the supporting affidavit deposed to by one TertseaJoo, the Applicant averred that sometime in 2016, he instituted an action

against the Judgment-Debtor/Respondent (as 4th Defendant) and 3 others before High Court of Justice, Queen's Bench Division, England in Case No:QB-2016-006690; **Cecil Charles Halliday Wright vs. Ecorys UK Limited & 3 Ors** for a breach of contract and medical negligence, inter alia, and that following the failure of the Judgment-Debtor/Respondent to enter appearance to the suit despite service of originating processes on her, default judgment was entered against her.

The Applicant averred that the Judgment-Debtor/Respondent subsequently applied on 8th February, 2018 to set aside the default judgment, following which the Judgment-Creditor/Applicant applied for costs which the High Court of Justice, Queen's Bench Division awarded in favour of the Applicant, against the Judgment-Debtor/Respondent on the 24th April, 2020.

He stated that the Judgment-Debtor/Respondent has failed, refused and/or neglected to pay him the said costs as contained in the order of Court. That as a result of the failure or default of the Judgment-Debtor/Respondent to obey or comply with the Order, he has had to incur considerable cost and expenses to register the said Order in this jurisdiction, including cost of filing the instant application, obtaining Judgment Certificate and certified copy of the Judgment/Court Order, processing of requisite Writ of Execution and other incidental costs and expenses which is projected at the total sum of N591,000.00.

The Judgment-Creditor/Applicant averred that the 12 months period allowed by law to have the Court order registered elapsed on 24th April, 2021, and that although the Enrolled Order from the High Court of Justice of Queen's Bench Division, England was received within jurisdiction on 24th April, 2021, counsel could not file the instant application due to the

Industrial Action embarked upon by the Judicial Staff Union of Nigeria (JUSUN) which grounded filing and other activities in the Courts.

Furthermore, that even after the strike was called off in June, upon further review, there was need to have counsel outside jurisdiction confirm terms of engagement with the Client in England as well as other preparations, including receipt of relevant processes from the UK, coupled with the restriction of movement which affected business activities in the UK as a result of the COVID-19 global pandemic-all of which contributed to the delay in filing the instant application within the prescribed 12 months.

The learned counsel for the Judgment-Creditor/Applicant, Adebayo Omole, Esq, in his written address in support of the application, raised a sole issue for determination, to wit;

“Whether having regards to the facts, the Judgment-Creditor/Applicant is entitled to the reliefs sought from this Honourable Court?”

Relying on Order 49 Rule 4 of the High Court of the Federal Capital Territory (Civil Procedure) Rules 2018, and Section 3(1) of the Reciprocal Enforcement of Judgment Act, of 1922, Cap 175, Laws of the Federation and Lagos, 1958, he posited that this Court is vested with powers to extend or abridge the time within which a party to an action is entitled to do any act. He argued that this Court is thus vested with the powers to grant the first relief sought by the Applicant – to extend the time within which the Applicant may register the UK order.

He referred to **Rinu v. INEC (2004)15 NWLR (Pt.895)121 at 131.**

He further argued that the Applicant in paragraphs 9 and 10 of the supporting affidavit has provided good and substantial reasons for the grant of this application. He urged the Court to grant the extension of time as prayed.

Placing further reliance on Section 3(1) of Reciprocal Enforcement of Judgments Act of 1922, Cap 175 Laws of the Federation and Lagos, 1958 (REJA), learned counsel posited that a foreign judgment is eligible for registration in Nigeria if:

- a. the judgment is obtained in the High Court of England, Ireland or Scotland;
- b. the Judgment Creditor applies to have same registered; and,
- c. the said application is made within 12 months from the date of the judgment.

He contended that a cursory look at the order sought to be registered (Exhibit 2), shows that same was obtained in a High Court of Justice of England – Queen’s Bench Division, and that by paragraph 4 of the supporting affidavit, the instant application is not guilty of any of the circumstances under the provisions of Section 3(2) of REJA, for which the Court is empowered to decline to register the Order.

He urged the Court to hold that Exhibit 2 has met the registration requirements, and to grant the application as prayed.

In the determination of this application, the pertinent question to consider, is **whether same is competent?**

Given that the Applicant in this application seeks the leave of Court to extend time within which to apply to register a foreign judgment, as well as the order of Court registering the said judgment, the ancillary question in determining is **whether the**

application is competent and whether there is before the Court a competent or valid judgment or order to be registered?

The Applicant has referred this Court to a two-paged document attached and marked “Exhibit 2” as the Order of the High Court of Justice of England, Queen’s Bench Division, which he seeks the order of this Court to register. This Court however, observed that the said document is unsigned.

Having not been signed by the Judge who supposedly issued the order, or the registrar of the Court or any person authorised to sign the document, this Court is unable to accept the said document as emanating from the source from which it was alleged to have emanated.

It is a trite law, that an unsigned document is worthless and void. See **Fasehun&Ors v. A.G. Federation (2006) LPELR-5567(CA).**

Exhibit 2 having not been signed, is therefore worthless and void, and as such, cannot be countenanced or acted upon by this Court.

Since there is no valid document before this Court evidencing the order sought to be registered by this Court, it follows that the instant application is incompetent, having nothing to stand on.

Accordingly, the Motion No. M/154/2022 is hereby struck out for being incompetent.

HON. JUSTICE A. O. OTALUKA
28/4/2022.

