

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU

SUIT NO: FCT/HC/FJ/05/2025

DELIVERED: ON THE 08/04/2025

BETWEEN:

LAMASH PROPERTIES LIMITED.....JUDGMENT CREDITOR

AND

- 1. KANO STATE GOVERNMENT
 - 2. GOVERNOR OF KANO STATE
 - 3. ATTORNEY GENERAL, KANO STATE
- }JUDGEMENT DEBTORS

AND

- 1. CENTRAL BANK OF NIGERIA
 - 2. UNITED BANK OF AFRICA
 - 3. ZENITH BANK PLC
- }GARNISHEES

Appearance:

*A.T. Kehinde, SAN, with M.J. Numa, SAN, I.G. Kelubia, Esq,
C. Nwogu, Esq, Saidu Muhammad Lawal, Esq, and
Q.M. Jim-Ogbolo, Esq, for the Judgment Creditor.*

*Chuks Nwogbo, Esq, holding the brief of Eyitayo Fatogun, SAN,
For the Judgment Debtors*

RULING

Earlier today, this Court heard Oral Application of the Judgment Creditor praying the Court to stay proceedings on terms. A.T. Kehinde, SAN Learned Senior Counsel for the Judgment Creditor

argued that since Appeal has been entered, even though entered after Order Nisi was granted, this Court should stay the Garnishee proceedings on the condition that the Judgment Sum, already attached, be deposited in an interest yielding account of the Chief Registrar of this Court. Learned Counsel argued that doing so will be in the best interest of parties as no loss will be occasioned to either of the parties pending the decision of the Appeal before the Court of Appeal. Learned Counsel maintained that this Court has the power to make such order in respect of monetary judgment as in the case at hand. Learned Counsel cited the cases of *BON LTD V. ADEGOKE* (2006) LPELR – 7599 (CA) PP 17 – 18 paragraph F – E and *BLUE ARROW TSW LTD V. EJEKWUMADU* (2022) LPELR – 57909 (CA) PP 19 – 20 paragraphs F-C.

Counsel also placed reliance on Order 46 Rules 23 of the extant Rules of this Court and Order 4 Rules 6(1) (a) of Court of Appeal Rules, 2021.

In response, EYITAYO FATOGUN, SAN of the Counsel for the Judgment Debtor submitted that, in view of the pending Appeal, which is duly entered, and the pending Application for stay of execution before the Court of Appeal, the Court of Appeal is seized of the matter and this Court lacks the vires to make any orders in this matter. Counsel argued that granting the Order directing the deposit of the Judgment Sum will foist a fait accompli on the Court of Appeal. Counsel cited the case of *ABRAHAM V. AMODERIN & ORS* (2019) LPELR – 48201 (CA) in urging the Court to refuse the Application.

I have considered the arguments of Counsel on the issue. I want to stand by settled position of Law that once an appeal is entered and there is a pending application for stay of execution before the Court of Appeal, this Court has to stay further action regarding the garnishee. Accordingly, I shall refrain from making the order Nisi Absolute.

The question that begs for answer at this point is what happens to the Order Nisi. The order Nisi subsists. And it is on this ground that I shall grant the prayer that the Judgment Sum in the position of the 2nd Garnishee be deposited in an interest yielding account of the Chief Registrar of this Court pending the outcome of the application for stay of execution or the Appeal itself. This I so Order.

It is my view that doing so will not foist a fait accompli on the Court of Appeal.

**SIGNED:
HON JUDGE
08/04/2025**