

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

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

SUIT NO: FCT/HC/CV/3427/2013

MOTION NO: FCT/HC/M/4085/2025

DELIVERED ON THE 28/04/2025

BETWEEN:

MRS. GRACE ISTIFANUS.....JUDGMENT CREDITOR/APPLICANT

AND

MR. ANDREW MAGAYAKI MAREM.....JUDGMENT DEBTOR/RESPONDENT

RULING

By a Motion on Notice dated 18/03/2025 and filed on the 19/03/2025, the Judgment Creditor/Applicant prayed for the following:

1. **An Order** for issuance of a Writ of Execution against the immovable property of the Judgment Debtor as mentioned on the face of Motion paper.
2. Omnibus prayer.

In support of the Application are 8 grounds as set out on the Motion paper.

Also in support of the Application is affidavit of Mingiri Adamu Manga having 15 paragraphs. The affidavit has attached to it Exhibits Marked **A – F**.

Finally, the Applicant filed a Written Address wherein Learned Counsel for the Judgment Creditor distilled one issue for determination, to wit:

“Whether the Applicant has satisfied the provision of section 44 of the SCPA to be entitled to the reliefs sought.

Learned Counsel argued the issue in urging the Court to grant the Application.

The Respondent was duly served but failed or neglected to file a Counter Affidavit to oppose the facts in the affidavit in support. By law, this Court would accept the facts in the affidavit in support as true and represent the state of affairs between parties, I so do. Having gone through the averments in the affidavit and the Exhibits attached particularly the Judgments of this Court Exhibited; I am satisfied that the Applicant has satisfied the conditions under section 44 of the SCPA Act and therefore entitled to the reliefs sought. Accordingly, the Application is meritorious, and hereby granted as prayed.

**SIGNED
HON. JUDGE.
28/04/2025.**

APPEARANCE:

Isyaku Balarabe Muhammad, Esq, for the Judgment Creditor/Applicant