

**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/43/2025
DELIVERED ON THE 11/03/2025**

BETWEEN:

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

AND

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

2. MRS. MARIA MAGAYAKI, MAREM.....PARTY SOUGHT TO BE JOINED

RULING

By a Motion Ex-parte dated 06/01/2025, the Judgment Creditor/Applicant seeks for 3 main reliefs as on the face of the Motion Paper i.e.

1. **An Order** of this Honourable Court Joining Mrs. Maria Magayaki Marem as a Co-Defendant in this suit.
2. **An Order** of this Honourable Court granting leave to the Applicant to serve this processes and other accompanying processes on the party sought to be joined through her counsel Isaac Okpanci Esq. Whose office is located at suite 1B Basan Plaza Behind NICON Insurance Plaza Central Business District, Abuja and to deem it as proper service on the party sought to be joined.
3. **An Order** of Interim Injunction Restraining the Judgment Debtor and the party sought to be joined from their privies,

heirs, assigns, servants, agents or anyone deriving authority from them from transferring, selling or attempting to sell the property known as Block 17A Bamako Street Wuse 1, Abuja pending the hearing and determination of the Motion on Notice.

4. Omnibus prayer.

This motion is predicated upon 5 grounds to wit:

1. The high Court of the Federal Capital Territory Coram A. U. Umar (J) (as he then was) Ordered the Judgment debtor to pay the Judgment Creditor the Sum of **₦45,000,000.00 (Forty Five Million Naira)** inclusive **10%** post Judgment interest in his Judgment delivered on the 27th day of September, 2017.
2. The Judgment debtor has refused, failed and neglected to pay the Judgment sum to the Judgment Creditor and instead elected to Appeal the Judgment of the High Court of the Federal Capital Territory.
3. The Judgment Creditor seeks to attach the property lying and situated at Block 17A Bamako Street, Wuse Zone 1, Abuja in satisfaction of the Judgment Sum delivered by A. S. Umar (J) (as he then was).
4. That in view of the Judgment of Hon. Sylvanus Orijji (J) in suit No. **FCT/HC/CV/103/2007** it is imperative on the party sought to be joined to state her interest in the property sought to be attached in satisfaction of the Judgment sum.
5. That it will be in the interest of justice to grant the Application as prayed.

The Applicant submitted an affidavit of 13 paragraphs deposed to by one Mingiri Adamu Manga wherein she averred thus:

That she was informed by her principal on the 6th of January, 2025 during a strategy meeting in their office.

That the Judgment Creditor instituted an action against the Judgment Debtor as the High Court of the Federal Capital Territory Coram A. S. Umar (as he then was) for breach of contract and the Court awarded the sum of **45,000,000.00 (Forty Five Million Naira)** only inclusive **10%** post Judgment interest against the Judgment Debtor.

That the Judgment Debtor Appealed the decision of the High Court of the Federal Capital Territory which was dismissed by the Court of Appeal for lacking in merit.

That Mrs. Maria Magayaki Marem, the party sought to be joined and the wife to the Respondent instituted an action before the High Court of the Federal Capital Territory Coram Sylvanus Oriji (J) in respect of the property which the Judgment Creditor seeks to attach in satisfaction of the Judgment sum.

That in view of her interest in the property known as Block **17A** Bamako Street Wuse zone 1, Abuja it has become imperative to join Mrs. Mariam Magayaki Marem as an interested party in this suit for this Honourable Court to effectively determine the instant Application justly.

Counsel submitted a written address wherein he formulated a sole issue for determination to wit:

“Whether this Honourable Court can grant the reliefs(s) sought by the Applicant”

Counsel argued succinctly in urging the Court to grant the Application. He relied on Order 13 Rule 18 (3) of the High Court Civil Procedure Rules, 2018 and *JIMOH V. OYINLOYE (2006) 6 SCN 141 at 156.*

I have considered the Application moved by the Applicant Counsel. In my view, prayers one and two are not grantable as constituted. I shall refused same.

On the 3rd prayer it is my considered view that the Applicant has right to protect and it ought to be granted.

Accordingly, I have exercise my decision to grant relief 3.

This is the Ruling of the Court.

SIGNED:
HON. JUDGE
11/03/2025.

Appearance:

Ishayku Balarabe Mohammed, Esq, with A. I. Kadi, Esq, for the Judgment Creditor/Applicant

Judgment Debtor/Respondent not in Court and not represented.