

MOTION FOR STAY OF EXECUTION OF JUDGMENT AND ITS EFFECT ON GARNISHEE PROCEEDINGS

BY

DR. FAMOUS IZOBO

School of General Studies,

Delta State Polytechnic, Ogwashi-uku

izobofamous5@gmail.com

08032600226

Abstract

There is a presumption that the trial court's decision is right. However, an appellant may be able to rebut such presumption and thus succeed on appeal. If execution has been levied pursuant to the trial court's judgment, a subsequent success on appeal may turn out to be worthless victory especially where the position of parties might have been irreversibly altered due to execution of judgment. This becomes detrimental to the appellant as a result of such execution, and the subject matter or the rest of the suit could have been irretrievably dissipated. Therefore, this article tries to explain the nature of stay of execution as a process which seeks to halt the enforcement of judgment which temporarily denied the judgment creditor from enjoying the fruits of his judgment, whereas Garnishee order is meant to execute money judgment while a third person is involved. This article intends to examine a garnishee proceeding that is initiated while a stay of execution application is pending, which is a serious concern for practitioners, litigants and the court. Where then is the validity or otherwise of a garnishee proceeding when an application for a stay of execution is pending before appeal? The court appears to have different attitude in this situation, hence this article intends to X-ray the paths with a view of making strong recommendations that would develop the law.

INTRODUCTION

Ordinarily, a successful litigant is entitled to the full enjoyment of the fruits of a judgment delivered in their favour. Once judgment has been given, the law empowers the victorious party to proceed immediately to enforce or execute that judgment without seeking any further authorization from the court. However, where an appeal is pending against the decision, the possibility that the appellate court might overturn or vary the judgment cannot be ignored. Although there is a presumption that a trial court's decision is correct until set aside on appeal, this presumption is rebuttable by the appellant who may ultimately succeed in having the judgment reversed.¹

In such circumstances, if execution of the judgment has already been carried out, the appellant's eventual success may amount to a hollow or pyrrhic victory. The legal position of the parties may have been irreversibly altered to the detriment of the appellant, or the *res* the very subject matter of the dispute may have been dissipated beyond recovery. To avoid such injustice and to preserve the subject matter pending appeal, the law allows the losing party to apply for a **stay of execution**. This judicial measure temporarily suspends the enforcement or operation of a judgment until the determination of the appeal, ensuring that the appellate process is not rendered nugatory.²

Execution of judgment refers to the procedure by which a court's decision is carried into effect in accordance with established legal mechanisms.³ It encompasses both legal and equitable methods of enforcement. One recognized form of enforcement, especially for monetary judgments, is **garnishee proceedings**. This process enables a judgment creditor to recover the judgment sum by attaching debts owed to the judgment debtor by a third party, known as the garnishee.⁴ Through this mechanism, the court may order the garnishee to pay the debt directly to the judgment creditor to satisfy, wholly or in part, the judgment debt and the costs incurred in the garnishee proceedings.⁵

In recent years, considerable judicial and academic debate has emerged regarding the propriety of commencing garnishee proceedings during the pendency of an application for stay of execution. This question has generated divergent opinions and conflicting judicial attitudes, causing uncertainty for practitioners, litigants, and the courts. Consequently, this article seeks to examine

¹ Vaswani Trading Co. Ltd v. Savalakh (2002) FWLR (Pt. 28) 217 at 2183.

² Ekpenyong v. Duke (2009) ALL FWLR (Pt. 470) 755 at 788; Adjekpemevor v. Onafeko (2000) FWLR (Pt. 9) 1425 at 1436.

³ Government of Gongola State v. Tukur (1989) ALL NLR 647 at 660.

⁴ Fidelity Bank Plc v. Okwuowulu (2012) ALL FWLR (Pt. 644) 151 at 162.

⁵ First Inland Bank Plc v. Effiong (2012) ALL FWLR (Pt. 638) 944 at 951.

the **validity and effect of garnishee proceedings initiated while a motion for stay of execution is pending**, and to assess how courts have approached this apparent conflict between a judgment creditor's right to enforcement and the appellant's right to preserve the *res* pending appeal.

THE CONCEPT OF STAY OF EXECUTION

The principal purpose of a stay of execution is to preserve the *res* and maintain the status quo between the parties pending the determination of an appeal. It reflects the duty of the court to safeguard the subject matter of litigation so that a successful appeal does not become an exercise in futility.⁶ A stay of execution is therefore not granted as a matter of course; it is a discretionary remedy exercised judicially and judiciously based on the peculiar facts of each case.

It is important to note that an order for stay of execution can only be made in respect of executory judgments that is, judgments which declare the rights of parties and then proceed to compel one party to perform a specific act or to refrain from doing something. Such judgments are capable of immediate enforcement.⁷ Conversely, declaratory judgments, which merely pronounce the legal relationship between parties without ordering any act to be done, are not enforceable by execution and therefore cannot be the subject of a stay.⁸

By established legal principle, the mere filing of an appeal does not automatically operate as a stay of execution.⁹ The successful party remains entitled to the fruits of the judgment unless the losing party takes active steps to halt enforcement. Thus, where the judgment debtor not only files an appeal but also applies formally for a stay of execution pending appeal, the execution process is suspended until the application is heard and determined. The essence of this application is to prevent the judgment creditor from reaping the benefit of the judgment where the appellate court may subsequently reverse it.

Such an application is made by motion on notice, supported by an affidavit detailing sufficient facts and circumstances that justify the court's intervention. The applicant must demonstrate cogent and compelling reasons why the judgment creditor should be temporarily deprived of the fruits of the judgment. In exercising its discretion, the court considers several factors, including

⁶ *Buremoh v. Akande* (2001) FWLR (Pt. 79) 1421 at 1428.

⁷ *University of Ilorin v. Akinola* (2007) All FWLR (Pt. 372) 1844 at 1852.

⁸ *Mobil Producing Nig. Unltd v. Monokpo* (2001) FWLR (Pt. 49) 1516 at 1534.

⁹ *Soyanwo v. Akinyemi* (2002) FWLR (Pt. 104) 592 at 627.

the existence of arguable or substantial grounds of appeal, the likelihood of irreparable harm or irreversible change in circumstances if execution proceeds, and whether the balance of convenience favours maintaining the status quo.¹⁰

Under Nigerian law, both the High Court and the Court of Appeal possess concurrent jurisdiction to grant a stay of execution. However, Order 7 Rule 4 of the *Court of Appeal Rules, 2011* provides that such an application must first be made to the High Court that delivered the judgment. It is only when the application is refused, or where special circumstances make it impracticable to apply to the lower court, that the motion may be brought initially before the Court of Appeal.¹¹ This procedural hierarchy ensures respect for judicial orderliness and avoids abuse of the appellate process.

NATURE OF GARNISHEE PROCEEDINGS

A garnishee proceeding is a distinct judicial process by which a *judgment creditor* enforces a monetary judgment through the attachment of funds or debts owed to the *judgment debtor* by a third party known as the garnishee. The garnishee is typically a bank or another person in possession of money belonging to, or owing obligations in favour of, the judgment debtor. The purpose of this procedure is to satisfy the judgment debt by directing that such funds be paid directly to the judgment creditor, thereby bypassing the judgment debtor.¹²

In practice, the garnishee process unfolds in two stages. The first is the *order nisi*, which directs the garnishee to appear in court on a specified date to show cause why the debt owed to the judgment debtor should not be applied in satisfaction of the judgment debt. If the garnishee fails to show sufficient cause, or if the court is satisfied that the debt exists and is due, the court proceeds to the second stage by making the *order absolute*.¹³ Once an order absolute is made, the garnishee becomes legally bound to pay the judgment creditor the amount stated in the order, thereby discharging their obligation to the judgment debtor. At this point, the matter becomes final and the

¹⁰ A.G. Anambra State v. Onitsha North L.G. (2001) FWLR (Pt. 45) 622 at 635; Iyanda v. Amori (2007) All FWLR (Pt. 349) 1172.

¹¹ Order 7 Rule 4, Court of Appeal Rules (2011).

¹² *Nigerite Ltd v. Dalami Ltd* (1992) 7 NWLR (Pt. 253) 288.

¹³ *Atims Nigeria Ltd v. UBA* (2007) All FWLR (Pt. 348) 971 at 981.

court is *functus officio*, having conclusively determined the rights of the parties in the garnishee process.

It must be emphasized that until the order nisi is made absolute, the garnishee proceedings remain interlocutory. During this period, the process is still within the court's control and subject to variation or discharge. The order absolute, on the other hand, marks the completion of execution, as it transfers ownership of the attached funds from the judgment debtor to the judgment creditor.

A question of considerable legal importance arises as to whether garnishee proceedings may properly be commenced or continued while a motion for stay of execution is pending. This issue is significant because, while a stay of execution seeks to maintain the status quo and preserve the *res* pending appeal, garnishee proceedings constitute an act of execution, effectively altering the parties' legal positions. In principle, these two procedures appear mutually exclusive: one preserves, while the other enforces.

Nevertheless, judicial experience shows that situations occasionally arise where an application for stay of execution coexists with pending garnishee proceedings. In such instances, the crucial question becomes whether the commencement or continuation of garnishee proceedings during the pendency of a stay application is proper in law. This tension between the right to enforcement and the right to appeal has produced divergent judicial attitudes, as will be examined in the next section.¹⁴

JUDICIAL ATTITUDE TO GARNISHEE PROCEEDINGS DURING THE PENDENCY OF A MOTION FOR STAY OF EXECUTION

The Nigerian courts have expressed divergent views on whether it is proper for a judgment creditor to initiate or continue garnishee proceedings while a motion for stay of execution of the same judgment is pending. This divergence has given rise to conflicting judicial authorities, reflecting two schools of thought: one condemns the practice as an abuse of court process, while the other considers it permissible provided no stay order has been granted.

¹⁴ *Standard Trust Bank Ltd v. Contract Resources Ltd (No. 1)* (2001) FWLR (Pt. 72); *Purification Techniques (Nig.) Ltd v. A.G. Lagos State* (2004) 9 NWLR (Pt. 879) 665.

In the case of *Standard Trust Bank Ltd v. Contract Resources Ltd (No. 1)*, the Court of Appeal took a restrictive view of garnishee proceedings commenced during the pendency of a stay application. In that case, the judgment debtor filed an appeal and simultaneously sought a stay of execution. Despite being aware of this, the judgment creditor registered the judgment and initiated garnishee proceedings at the Federal High Court. The court, per *Olagunju, JCA*, condemned this act, holding that the commencement of execution proceedings in the face of a pending stay motion amounted to an abuse of court process. The learned Justice emphasized that the existence of a pending appeal and a motion for stay of execution should restrain any attempt at enforcing the judgment until those processes have been resolved.¹⁵

Similarly, *Muhammad, JCA* in his concurring opinion, warned against the danger of creating a *fait accompli* for the appellate court. He held that once an application for stay is pending, neither party nor the trial court should undertake any act that might pre-empt the appellate decision. He declared the garnishee order nisi obtained in such circumstances a nullity, describing it as “improper and incompetent.”¹⁶

A contrasting position was adopted by the Court of Appeal in *Purification Techniques (Nig.) Ltd v. Attorney-General of Lagos State*, where the court held that garnishee proceedings could validly be commenced notwithstanding a pending motion for stay of execution. *Galadima, JCA* (as he then was) reasoned that garnishee proceedings are distinct from execution in the strict sense and therefore not caught by an application for stay. According to his Lordship, the existence of an application for stay of execution “does not preclude a judgment creditor from seeking to use some other lawful means to enforce a judgment.”¹⁷

However, in *Denton-West v. Muoma*, the Court of Appeal once again frowned upon the commencement of garnishee proceedings while a motion for stay was pending. The court held that to proceed with execution in such a situation would constitute an affront to the appellate process. *Saulawa, JCA* stated that allowing execution while a stay motion is pending is “an effrontery to judicial authority” and contrary to the orderly administration of justice.¹⁸

¹⁵ *Standard Trust Bank Ltd v. Contract Resources Ltd (No. 1)* (2001) FWLR (Pt. 72).

¹⁶ *Ibid.*, per *Muhammad, JCA*.

¹⁷ *Purification Techniques (Nig.) Ltd v. A.G. Lagos State* (2004) 9 NWLR (Pt. 879) 665.

¹⁸ *Denton-West v. Muoma* (2008) All FWLR (Pt. 404) 1558.

Likewise, in *First Inland Bank Plc v. Effiong, Akaahs*, JCA emphasized that where a motion for stay of execution predates the making of a garnishee order absolute, the proper course is to first determine the motion for stay before enforcing the judgment. The learned Justice stressed that although the grant or refusal of stay is discretionary, once an application for stay is pending, execution—including garnishee proceedings—ought to be suspended until the court pronounces on it.¹⁹

The Court of Appeal further affirmed this reasoning in *Air France v. Okwudiafor*, where Saulawa, JCA declared that a garnishee order nisi made while a stay motion was pending was “incompetent and an abuse of judicial process.” The court emphasized that the respondent’s reliance on the garnishee order to bar a stay of execution was fundamentally misconceived.²⁰

From these authorities, it is evident that Nigerian appellate jurisprudence remains divided. On one hand, the *Standard Trust Bank, Denton-West, Effiong*, and *Air France* cases adopt the view that garnishee proceedings should not take place while an application for stay of execution is pending. On the other hand, *Purification Techniques* represents the minority position that recognizes garnishee proceedings as independent and permissible even during such pendency.

This judicial inconsistency has generated uncertainty in enforcement practice and highlights the need for a settled position anchored on logic, fairness, and consistency with established principles of execution law. The next section therefore undertakes a comparative analysis of these conflicting lines of authority.

¹⁹ *First Inland Bank Plc v. Effiong* (2012) All FWLR (Pt. 638) 944 at 951.

²⁰ *Air France v. Gregory Okwudiafor* (2015) LPELR-24374 (CA).

METHODOLOGY

This article used a doctrinal (library-based) research approach that involved qualitative method of gathering information.

INDEPTH ANALYSIS

The decisions reviewed above reveal a clear division in judicial reasoning regarding the propriety of garnishee proceedings instituted during the pendency of an application for stay of execution. On one side are authorities such as *Standard Trust Bank Ltd v. Contract Resources Ltd (No. 1)*, *Denton-West v. Muoma*, *First Inland Bank Plc v. Effiong*, and *Air France v. Okwudiafor*, which condemn such conduct as inconsistent with the essence of a pending stay. On the other side stands the decision in *Purification Techniques (Nig.) Ltd v. Attorney-General of Lagos State*, which permits garnishee proceedings to proceed concurrently with a pending stay motion.

From a doctrinal standpoint, these decisions cannot comfortably coexist. The facts underlying both *Standard Trust Bank* and *Purification Techniques* are substantially similar each involved a judgment debtor who had appealed and applied for stay, while the judgment creditor pursued garnishee proceedings. Yet, the Court of Appeal reached opposite conclusions. This constitutes a conflict of decisions as defined in *Idoniboye-Obu v. NNPC*, where the Supreme Court held that decisions rendered on substantially identical facts but leading to different outcomes are conflicting.²¹

In evaluating these divergent lines of authority, it appears more persuasive and legally sound to align with the reasoning in *Standard Trust Bank Ltd v. Contract Resources Ltd (No. 1)*. That position better reflects the spirit and logic of execution law as articulated by the Supreme Court in *Government of Gongola State v. Tukur*.²² In that case, *Nnemeka-Agu, JSC* defined execution as “the process by which a judgment or order of a court of law is enforced or given effect to according to law.” His Lordship elaborated that various forms of execution exist, including *writ of fieri facias*, *garnishee proceedings*, *charging orders*, *sequestration*, and *committal*.²³ It follows logically that

²¹ *Idoniboye-Obu v. NNPC* (2003) FWLR (Pt. 146) 943.

²² *Government of Gongola State v. Tukur* (1989) All NLR 647 at 660.

²³ *Ibid.*, per *Nnemeka-Agu, JSC*.

a motion for stay of execution, once filed, suspends all such enforcement processes including garnishee proceedings—until the application is disposed of.

This interpretation aligns with the Supreme Court’s decision in *Construzioni Generali Farsura Cogefar S.P.A. v. Nigerian Ports Authority*, where the court held that an application for stay postulates that the applicant has lost a case and is appealing, and that “pending the determination of his appeal, any form of execution should be stayed.”²⁴ The phrase “any form of execution” must be construed broadly to encompass all mechanisms by which a judgment may be enforced.

Consequently, by the combined effect of *Tukur* and *Construzioni*, garnishee proceedings being one recognized mode of execution cannot properly be initiated or continued while an application for stay of execution is pending. To do so would subvert the protective purpose of the stay, which is to ensure that the *res* is preserved and the appellate process remains meaningful.

Where conflicting decisions exist, the Court of Appeal is bound to follow the earlier and better-reasoned authority, particularly where the latter conflicts with binding Supreme Court precedent.²⁵ The decision in *Purification Techniques* not only departs from *Standard Trust Bank* without justification but also conflicts with the binding principles established in *Tukur* and *Construzioni*. Under the doctrine of stare decisis, the Court of Appeal is duty-bound to align with the Supreme Court’s pronouncements, and its failure to do so renders the contrary position untenable.²⁶

Even if one were to adopt the argument advanced in *Purification Techniques* that garnishee proceedings are merely “auxiliary” to execution rather than execution *strictu sensu*, such reasoning still leads to the same conclusion. The maxim *accessorium sequitur principale* the accessory follows the principal applies squarely.²⁷ Thus, if the principal act of execution is stayed, the accessory (garnishee proceedings) cannot lawfully continue. The Supreme Court has consistently applied this reasoning, holding that once the principal is restrained, all subordinate processes fall with it.²⁸

²⁴ *Construzioni Generali Farsura Cogefar S.P.A. v. Nigerian Ports Authority* (1974) 1 NMLR 91.

²⁵ *Uzoewulu v. Ezeaka* (2004) 5 NWLR (Pt. 867) 627.

²⁶ *Ibid.*

²⁷ *Tukur v. Gongola State* (1989) 4 NWLR (Pt. 117) 517 at 549.

²⁸ *Adegoke Motors Ltd v. Adesanya* (1989) 3 NWLR (Pt. 109) 250; *University of Lagos v. Aigoro* (1985) 1 NWLR (Pt. 1) 143.

Accordingly, both logic and precedent dictate that garnishee proceedings should not be commenced or continued during the pendency of an application for stay of execution. Any contrary approach risks rendering the appellate process nugatory and undermines judicial coherence.

CONCLUSION

The essence of a motion for stay of execution lies in the court's duty to preserve the *res* and maintain the status quo pending the determination of an appeal. It ensures that the appellate process is not rendered nugatory by preventing irreversible actions that could destroy the subject matter of litigation. Where execution proceeds notwithstanding a pending stay application, a successful appeal may yield nothing more than a barren victory, as the rights of the parties and the *res* would have already been altered beyond remedy.

Garnishee proceedings, on the other hand, represent one of the recognized legal mechanisms for the enforcement of a monetary judgment. They are, in effect, a species of execution designed to satisfy a judgment debt through the attachment of funds belonging to the judgment debtor in the hands of a third party. Because the purpose of a stay of execution is to suspend enforcement and preserve the *res*, both processes are inherently incompatible. Once a motion for stay has been filed, all acts of enforcement—whether by writ, sequestration, or garnishee—must be held in abeyance until the court determines the application.

The Supreme Court has made this position unmistakably clear. In *Government of Gongola State v. Tukur*, the Court held that execution encompasses all processes through which a judgment is enforced, including garnishee proceedings. Similarly, in *Construzioni Generali Farsura Cogefar S.P.A. v. Nigerian Ports Authority*, the Court affirmed that once a stay is sought, “any form of execution” must be suspended pending appeal. These authorities underscore that garnishee proceedings are not separate or independent of execution, but rather integral to it.

Even if garnishee proceedings were to be regarded as merely auxiliary to execution as suggested in *Purification Techniques (Nig.) Ltd v. A.G. Lagos State* the principle of *accessorium sequitur principale* (the accessory follows the principal) would still apply.²⁹ Accordingly, if execution of the principal judgment is stayed, its accessory processes must also be suspended. The Supreme

²⁹ *Tukur v. Gongola State* (1989) 4 NWLR (Pt. 117) 517 at 549.

Court has repeatedly affirmed this maxim, noting that the greater includes the lesser: *sublato principali, tollitur adjunctum* once the principal is taken away, its adjunct is also removed.³⁰

Therefore, the prevailing and logically consistent position, grounded in both statutory and judicial authority, is that garnishee proceedings cannot validly be commenced or continued during the pendency of a motion for stay of execution. To hold otherwise would not only undermine the sanctity of appellate review but also contravene the coherent operation of execution law as articulated by the Supreme Court. The contrary decision in *Purification Techniques* should therefore be regarded as per incuriam to the extent that it departs from established Supreme Court principles.

Ultimately, the law stands settled that the filing of a motion for stay of execution suspends all acts of enforcement, including garnishee proceedings, until the application is determined. This approach best promotes justice, consistency, and the integrity of the judicial process in Nigeria.

RECOMMENDATION

In light of the analysis and judicial inconsistencies examined in this article, several recommendations are hereby made to strengthen the administration of justice and promote clarity in the enforcement of judgments in Nigeria:

1. **Judicial Harmonization:** The Court of Appeal should take deliberate steps to harmonize its decisions on the relationship between motions for stay of execution and garnishee proceedings. Conflicting appellate pronouncements undermine certainty in the law. Where such conflicts arise, the appellate courts must align strictly with the established principles laid down by the Supreme Court in *Government of Gongola State v. Tukur* and *Construzioni Generali Farsura Cogefar S.P.A. v. NPA*.
2. **Legislative Clarification:** The *Sheriffs and Civil Process Act* and the *Court of Appeal Rules* should be reviewed to explicitly codify the effect of a pending stay motion on all forms of execution, including garnishee proceedings. Such statutory guidance would eliminate ambiguity and prevent abuse of process by judgment creditors.

³⁰ *Adegoke Motors Ltd v. Adesanya* (1989) 3 NWLR (Pt. 109) 250; *University of Lagos v. Aigoro* (1985) 1 NWLR (Pt. 1) 143.

3. **Judicial Training and Continuing Education:** Judges and practitioners should undergo periodic training on the procedural interplay between execution and appellate review. Judicial education will enhance uniformity in the interpretation and application of stay principles.
4. **Strengthening Procedural Safeguards:** Trial courts should insist that once a motion for stay of execution has been duly filed and served, all steps toward enforcement, including garnishee proceedings, should be halted automatically pending determination of the motion. This procedural safeguard will protect the appellate jurisdiction and prevent injustice.
5. **Scholarly and Policy Engagement:** Law faculties, research institutes, and the Nigerian Bar Association should continue to engage with this subject through conferences, seminars, and publications. A clearer doctrinal understanding of stay and enforcement mechanisms will contribute to the development of Nigeria's civil procedural jurisprudence.

REFERENCES

- A.G. Anambra State v. Onitsha North L.G.* (2001) FWLR (Pt. 45) 622 at 635.
- Adegoke Motors Ltd v. Adesanya* (1989) 3 NWLR (Pt. 109) 250.
- Adjekpemevor v. Onafeko* (2000) FWLR (Pt. 9) 1425 at 1436.
- Afe Babalola, *Enforcement of Judgment*, Afe Babalola Press, Ibadan (2003).
- Air France v. Gregory Okwudiafor* (2015) LPELR-24374 (CA) available at Law Pavilion or Judgment Portal of the Nigerian Court of Appeal.
- Air France v. Gregory Okwudiafor* (2015) LPELR-24374 (CA).
- Atims Nigeria Ltd v. UBA* (2007) All FWLR (Pt. 348) 971 at 981.
- B.A. Garner, *Black's Law Dictionary*, 9th Edition, West Publishing Co. (2009).
- Buremoh v. Akande* (2001) FWLR (Pt. 79) 1421 at 1428.
- Construzioni Generali Farsura Cogefar S.P.A. v. Nigerian Ports Authority* (1974) 1 NMLR 91.
- Denton-West v. Muoma* (2008) All FWLR (Pt. 404) 1558.
- Ekpenyong v. Duke* (2009) ALL FWLR (Pt. 470) 755 at 788.
- F. Nwadialo, *Civil Procedure in Nigeria*, University of Lagos Press, Lagos (2000).
- Fidelity Bank Plc v. Okwuowulu* (2012) ALL FWLR (Pt. 644) 151 at 162.
- First Inland Bank Plc v. Effiong* (2012) ALL FWLR (Pt. 638) 944 at 951.
- Gedds & Grosseest, *English Thesaurus*, David Dale House, New Lamark, Scotland (2003).
- Government of Gongola State v. Tukur* (1989) ALL NLR 647 at 660.
- Idoniboye-Obu v. NNPC* (2003) FWLR (Pt. 146) 943.
- Iyanda v. Amori* (2007) All FWLR (Pt. 349) 1172.
- Mobil Producing Nig. Unltd v. Monokpo* (2001) FWLR (Pt. 49) 1516 at 1534.
- Nigerite Ltd v. Dalami Ltd* (1992) 7 NWLR (Pt. 253) 288.

Order 7 Rule 4, Court of Appeal Rules (2011) — accessed via Nigerian Legal Information Institute (NigerLII): <https://nigerlil.org>

Purification Techniques (Nig.) Ltd v. A.G. Lagos State (2004) 9 NWLR (Pt. 879) 665.

Soyanwo v. Akinyemi (2002) FWLR (Pt. 104) 592 at 627.

Standard Trust Bank Ltd v. Contract Resources Ltd (No. 1) (2001) FWLR (Pt. 72).

Tukur v. Gongola State (1989) 4 NWLR (Pt. 117) 517 at 549.