

**IN THE HIGH COURT OF LAGOS STATE
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT COURT NO. 52 GENERAL CIVIL DIVISION
TODAY WEDNESDAY THE 26TH DAY OF SEPTEMBER, 2012
BEFORE THE HON. JUSTICE O. O. FEMI-ADENIYI**

Suit No. LD/115/2005

BETWEEN:

FIRST INLAND BANK PLC

CLAIMANT

AND

ZUMAX NIG LTD

DEFENDANT

RULING

In the light of the fact that there is a pending Suit challenging the consent judgment upon which this garnishee proceedings is founded, I find that to adjourn the matter sine die would amount to the Claimant having its cake and eating it at the same time while its judgment is being contested.

The Claimant is at liberty to bring any application as it may deem appropriate before the Court in which trial has commenced.

I am more inclined to strike out the proceeding in order that the parties may have a level playing ground.

The garnishee proceedings is accordingly struck out.

All the garnishees consequently stand discharged from their obligations under the order nisi.

As a consequence of the Court's decision above, I also hold that the order of Mareva injunction has become moribund and it is hereby discharged.



O. O. Femi-Adeniyi
HON. JUSTICE O. O. FEMI-ADENIYI
JUDGE
26/9/2012.

MRS. ...
HIGH COURT LAGOS.
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