

IN THE COURT OF APPEAL  
HOLDEN AT ENUGU

APPEAL NO: CA/E/288/2013  
SUIT NO: FHC/AWK/CS/139/12

BETWEEN

GUARANTY TRUST BANK PLC.

}... APPELLANT/  
} APPLICANT

AND

- |   |  |
|---|--|
| 1. INNOSON NIGERIA LIMITED                | }                                      |
| 2. INNOSON TECHNICAL & INDUSTRIAL CO. LTD | }... 1 <sup>ST</sup> - 4 <sup>TH</sup> |
| 3. INNOSON VEHICLE MANUFACTURING CO. LTD  | } RESPONDENTS                          |
| 4. DR. INNOCENT CHUKWUMA (OFR)            | }                                      |
| 5. ECONOMIC & FINANCIAL CRIMES COMM.      | }... 5 <sup>TH</sup> - 6 <sup>TH</sup> |
| 6. CSP KWABBAI ILLY YASSU                 | } RESPONDENTS                          |
|   | }                                      |

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE  
FOR AN ORDER OF VARIATION

I, MOOR KUMA, Adult, Legal Practitioner, Nigerian Citizen of 8b, Taiwo Koya Street, Ilupeju Bye - Pass, Ilupeju, Lagos do solemnly make oath and declare as follows:

1. I am a Legal Practitioner in the firm of **Pinheiro & Company**, Solicitors to the Appellant/Applicant herein and by virtue of which I am conversant with the facts herein deposed to and I have the consent of the Appellant/Applicant to depose to this affidavit.
2. I have the consent and authority of the Appellant and my firm to depose to this affidavit and all facts deposed herein are within my personal knowledge unless otherwise stated.
3. On the 18<sup>th</sup> of November, 2014, this Honourable Court heard the 1<sup>st</sup>-4<sup>th</sup> Respondents' Motion on Notice dated the 3<sup>rd</sup> of June, 2014, which application prayed for an order compelling the Appellant/Applicant to pay the alleged judgment debt into an interest yielding account in the name of the Chief Registrar of this Honourable Court pending the determination of the appeal.

CERTIFIED TRUE COPY  
SUNDAY MARTINS, Esq.  
REGISTRAR  
COURT OF APPEAL

Sign.....  
Date.....

5/12/2017





4. On the 9<sup>th</sup> day of December, 2014, this Honourable Court delivered its ruling on the application and directed the Appellant, **Guaranty Trust Bank Plc**, to, within 14 days, pay the alleged judgment sum to Deputy Chief Registrar of this Honourable Court who shall pay same the into an interesting yielding account to be opened in his name pending the determination of the appeal.
5. That compliance by the Appellant with the order of this Honourable Court of 9<sup>th</sup> December, 2014 will adversely affect the smooth banking operation of the Appellant/Applicant and deplete the depositors' funds in the custody of the Appellant as the sum ordered to be paid will necessarily have to be paid from the depositors' funds in the custody of the Appellant.
6. That the order contained in the decision of this Honourable Court appealed against will impact negatively on the operation of the banking business of the Appellant if the terms of the order are not varied in the terms as prayed in this application. Compliance with the order will have adverse effect of depleting the trading funds of the Appellant with the resultant effect of high probability of attracting the sanctions of the Central Bank of Nigeria.
7. The banking operation of the Appellant will be seriously adversely affected and its capital base eroded unless the order of this Honourable Court is varied in the terms as sought in this application.
8. The payment of the sum as ordered by the court into an account to be kept at a bank will serve the same purpose if the account is opened and maintained at the Appellant's bank.
9. That the Appellant is a credible top-tier banking institution with total assets in excess of N2 Trillion. Hence, in the unlikely event that the Appeal is determined against the Appellant, the Appellant has the capacity to pay the judgment sum.
10. That this Honourable Court has the inherent power to vary the order contained in its ruling of 9<sup>th</sup> December, 2014.
11. That the Appellant is prepared to pay the sum as per the order of this Honourable Court into an interest yielding account to be opened in the name of the Deputy Chief Registrar of this Honourable Court, such account to be domiciled with the Appellant, Guaranty Trust Bank, or in the alternative the Appellant is prepared to issue a Bank

CERTIFIED TRUE COPY  
SUNDAY MARTINS, Esq.  
REGISTRAR  
COURT OF APPEAL

Sign .....

Date .....

5/12/2017





Guarantee in the stated sum in the name of the Deputy Chief Registrar and deposit same with him to abide the eventual decision of this Honourable Court on the pending appeal.

12. That variation of the order of this Honourable Court as sought in this application will afford the Appellant to meet continue to meet its obligations to its teeming depositors.
13. That the Appellant will be greatly prejudiced if the order of this Honourable Court is not varied as sought. The grant of this application will allow for continuous smooth operation of the Appellant's banking business.
14. Unless this application is granted serious panic among the Appellant's depositors and banking public is imminent.
15. No irreparable prejudice and or injustice will be occasioned to the Respondents, particularly the 1<sup>st</sup> - 4<sup>th</sup> Respondents, by the grant of this application.
16. I depose to this affidavit conscientiously believing the contents to be true and correct and in accordance with the Oaths Act currently in force.

*[Signature]*

DEPONENT

SWORN to at the Court of Appeal Registry, Enugu  
this 12<sup>th</sup> day of Dec, 2014

CERTIFIED TRUE COPY  
SUNDAY MARTINS, Esq.  
REGISTRAR  
COURT OF APPEAL

Sign.....  
Date.....  
5/12/2017

BEFORE ME

*[Signature]*

COMMISSIONER FOR OATHS.



*Motion*  
*Date*

₦3000.00  
₦300.00  
₦3300.00

Relonzo10253485

12-12-14

Jon210820423  
5-12-17