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# GARNISHEE PROCEEDINGS: USING BVN TECHNOLOGY TO AVOID CHASING SHADOWS

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## Abstract

*The enforcement of monetary judgments in Nigeria is beset by a structural difficulty that has attracted little legislative attention: the inability of a judgment creditor to identify, without resorting to indiscriminate multi-bank joinder, the specific financial institution holding funds for a judgment debtor. This article examines garnishee proceedings as a post-judgment enforcement mechanism under the Sheriff and Civil Process Act and the Federal High Court (Civil Procedure) Rules 2019, and identifies the widespread practice of joining fifteen to twenty banks simultaneously as garnishees as a source of inefficiency, delay, and potential violation of third-party property rights. Drawing on recent judicial decisions, including Central Bank of Nigeria v. Access Bank Plc & Ors (2022) LPELR-57017 (CA) and Ibrahim v. Sarham (2024) 4 NWLR (Pt. 1785) 407, the article analyses the legal framework governing the order nisi and order absolute, as well as the statutory duty of bank confidentiality that underlies the identification problem. It further examines the Bank Verification Number (BVN) system and the Nigeria Inter-Bank Settlement System (NIBSS) as existing technological infrastructure capable of enabling targeted account tracing through a court-supervised Application Programming Interface. The article proposes specific legislative amendments to the Sheriff and Civil Process Act and institutional collaboration between the National Judicial Council and NIBSS as necessary reforms to integrate technology into the garnishee process, thereby reducing cost, delay, and wrongful attachment of third-party accounts.*

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## 1.0 INTRODUCTION

### 1.1 Background of the Study

The enforcement of monetary judgements in Nigeria has long been a source of difficulty for successful litigants. Upon obtaining a monetary judgement, a judgment creditor is often compelled to commence a fresh legal battle in order to realise the benefit of the judgement already obtained. One of the principal mechanisms available for this purpose is garnishee proceedings, which is regulated primarily by the Sheriff and Civil Process Act[1] and the rules of various courts.[2]

Garnishee proceedings enable a judgment creditor to recover a judgement sum from a third party, known as the garnishee, who holds money on behalf of the judgment debtor. In practice, the most common garnishees are banks and other financial institutions. However, a fundamental challenge confronts the judgment creditor from the outset: identifying the specific financial institution or institutions where the judgment debtor maintains an account. Because banks are bound by strict duties of confidentiality,[3] they will not voluntarily disclose a customer's account details without a valid court order.

Faced with this constraint, judgment creditors have resorted to joining as many banks as possible as parties to a single garnishee application, in some cases attaching fifteen to twenty financial institutions

[1] Sheriff and Civil Process Act, Cap S6, Laws of the Federation of Nigeria 2004.
[2] Order 8 of the Judgment Enforcement Rules; see also Order 44 of the Federal High Court (Civil Procedure) Rules 2019.
[3] Banks and Other Financial Institutions Act 2020, s 55; Central Bank of Nigeria Act, Cap C4, LFN 2004, s 52.

simultaneously, in the hope that one or more of them holds funds for the judgment debtor. This practice, sometimes described as "suing the whole world," is wasteful, expensive, and legally problematic. It burdens banks that have no connection to the judgment debtor, wastes judicial time and resources, and may infringe upon the constitutional property rights of third parties whose accounts are wrongly garnished.[4] This article argues that modern financial infrastructure, specifically the Bank Verification Number (BVN) system and the Nigeria Inter-Bank Settlement System (NIBSS), provides a technological solution that can eliminate this problem and bring greater efficiency, precision, and fairness to garnishee proceedings in Nigeria.

### 1.2 Statement of Problem

The central problem addressed in this article is the difficulty faced by judgment creditors in identifying the financial institutions where judgment debtors maintain accounts for the purpose of initiating garnishee proceedings. This difficulty stems from the legal obligation imposed on banks to maintain customer confidentiality,[5] which prohibits them from disclosing account information without a court order. As a result, judgment creditors are unable to determine in advance which bank or banks to target.

The practice of joining multiple banks as parties to a garnishee application gives rise to two distinct legal problems. The first is the challenge of proper identification: where two or more persons share the same name, there is a real risk that the wrong person's account will be attached. The second problem is the joinder of banks that do not maintain any account for the judgment debtor, resulting in wasted

[4] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 44(1); see also *Heritage Bank of Nigeria Ltd v Afrimpex Enterprises Ltd* (2022) LPELR-57413 (CA).

[5] Sheriff and Civil Process Act, Cap S6, LFN 2004, ss 83–84.

court proceedings and possible liability on the part of the judgment creditor.6 Where a third party's account is erroneously garnished, this may constitute a violation of the constitutional right to property.[7]

Despite the existence of a sophisticated national financial infrastructure, Nigerian courts have yet to integrate the BVN and NIBSS systems into the garnishee process in a manner that would allow for targeted, precise account identification. This article identifies that gap and proposes a legislative and institutional framework for addressing it.

### 1.3 Aim and Objectives

This article aims to examine the legal and institutional framework governing garnishee proceedings in Nigeria, identify the challenges arising from the current practice of indiscriminate bank joinder, and propose technology-driven reforms. The specific objectives are:

1. to examine the legal framework governing garnishee proceedings in Nigeria;
2. to analyse the challenges arising from the current practice of joining multiple financial institutions as parties;
3. to examine the BVN and NIBSS systems and their potential role in targeted account tracing; and

4. to propose legislative and institutional reforms for integrating technology into the garnishee process.

## 2.0 CONCEPTUAL CLARIFICATION

6 *GTBank Plc v Innoson Nigeria Ltd* (2017) LPELR-42368 (SC); *Sterling Bank Plc v Inc Trustees of El-Shaddai Covenant Ministries & Anor* (2022) LPELR-58888 (CA).

[7] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 44(1).

## 2.1 Meaning of Garnishee Proceedings

Garnishee proceedings is a form of post-judgement enforcement remedy whereby a judgement creditor applies to a court of competent jurisdiction to attach monies or debts owed to the judgement debtor by a third party, referred to as the garnishee. The word "garnishee" derives from the French word *garnir,* meaning to warn or give notice.[8] The garnishee is thus the third party who is warned or notified that the debt owed by him to the judgement debtor shall not be paid to the judgement debtor but rather to the judgement creditor.

Black's Law Dictionary defines garnishment as "a judicial proceeding in which a creditor (or potential creditor) asks the court to order a third party who is indebted to or is bailee for the debtor to turn over to the creditor any of the debtor's property held by that third party."[9] In Nigeria, garnishee proceedings are governed by Part III of the Sheriff and Civil Process Act and the rules of court applicable in the relevant jurisdiction.[10]

The essence of the remedy is that the judgement creditor stands in the shoes of the judgement debtor and may compel the garnishee to pay into court such sums as are owed to the judgement debtor, up to the amount of the judgement debt. Garnishee proceedings are therefore a convenient and relatively swift mechanism for post-judgement enforcement, provided the identity of the garnishee holding the relevant funds is known.

## 2.2 Meaning of Bank Verification Number (BVN) and NIBSS

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[8] Bryan A Garner (ed), Black's Law Dictionary (11th edn, Thomson Reuters 2019) 839.

[9] Garner (n 8) 840.

[10] Sheriff and Civil Process Act, Cap S6, LFN 2004, ss 83–101; Order 44 of the Federal High Court (Civil Procedure) Rules 2019.

The Bank Verification Number (BVN) is a biometric identification system introduced by the Central Bank of Nigeria (CBN) in 2014 to address the problem of identity fraud in the Nigerian banking system.[11] Every bank customer in Nigeria is required to have a unique eleven-digit BVN, which is linked to the customer's biometric data, including fingerprints and facial recognition. The BVN is tied to all accounts maintained by a customer across all financial institutions in Nigeria.

The Nigeria Inter-Bank Settlement System (NIBSS) is an institution established pursuant to the Nigeria Inter-Bank Settlement System Act[12] to provide the infrastructure for the clearing and settlement of transactions among banks and other financial institutions in Nigeria. NIBSS also hosts the centralised BVN database, which contains records of all registered bank customers and their associated accounts across the Nigerian banking system.[13] Together, the BVN and NIBSS infrastructure constitute a powerful identification and tracking tool that can be leveraged by the judiciary to eliminate the guesswork currently involved in garnishee proceedings.

## 3.0 LEGAL FRAMEWORK

### 3.1 Statutory Provisions

The primary statutory framework for garnishee proceedings in Nigeria is found in Part III of the Sheriff and Civil Process Act.[14] Sections 83 to 101 of the Act set out the procedure for garnishee proceedings, including the conditions for making a garnishee order nisi and a garnishee order absolute. The Act applies to enforcement proceedings

[11] *Zenith Bank Plc v Ette* (2021) LPELR-55002 (CA); *Central Bank of Nigeria v Access Bank Plc & Ors* (2022) LPELR-57017 (CA).

[12] Federal High Court (Civil Procedure) Rules 2019, Order 44, r 10.

[13] A Popoola, 'Garnishee Proceedings in Nigeria: Procedural Challenges' (The Lawyers Chronicle) <https://www.thelawyerschronicle.com> accessed 10 June 2026.

[14] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 44(1).

in the High Courts of the various states and the Federal Capital Territory.

In the Federal High Court, garnishee proceedings are governed by Order 44 of the Federal High Court (Civil Procedure) Rules 2019, which substantially replicates the procedure in the Sheriff and Civil Process Act but adapts it for the jurisdiction of that court.[15] Various State High Court Rules also contain similar provisions.

### 3.2 The Garnishee Order Nisi and Order Absolute

Garnishee proceedings commence with an ex parte application by the judgement creditor for a garnishee order nisi. Upon hearing the application, the court issues the order nisi, which attaches the debt in the hands of the garnishee and directs the garnishee to appear in court to show cause why the order should not be made absolute.[16]

At the return date, the garnishee may appear and dispute liability on grounds such as the non-existence of the account, the insufficiency of funds, or a competing claim. Where the garnishee fails to appear or fails to show sufficient cause, the court may make the order absolute, directing the garnishee to pay into court or directly to the judgement creditor the amount of the judgement debt.[17] Once a garnishee order absolute is made, the garnishee becomes personally liable to pay the judgement sum.[18]

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[15] *ibid*.

[16] Sheriff and Civil Process Act, Cap S6, LFN 2004, s 83; Federal High Court (Civil Procedure) Rules 2019, Order 44, rr 1–3; *Ibrahim v Sarham* (2024) 4 NWLR (Pt 1785) 407.

[17] Sheriff and Civil Process Act, Cap S6, LFN 2004, s 85; Federal High Court (Civil Procedure) Rules 2019, Order 44, r 4.

[18] T Akinola, 'Bank Secrecy and Garnishee Orders in Nigeria' (2019) 7(2) Nigerian Bar Journal 44.

### 3.3 Parties to Garnishee Proceedings

There are three parties to garnishee proceedings: the judgement creditor, who initiates the proceedings; the judgement debtor, against whom the original monetary judgement was obtained; and the garnishee, who is the third party in whose hands the funds of the judgement debtor are believed to be held. In practice, financial institutions are the most common garnishees.

The garnishee is required to be a person or institution that owes a debt to the judgement debtor at the time the order nisi is served. Where no such debt exists, the garnishee is entitled to dispute the order at the hearing and have it discharged.[19] The courts have consistently held that a garnishee order cannot be made absolute against a financial institution that does not hold any account or funds for the judgement debtor.[20]

### 3.4 The Duty of Bank Confidentiality

Banks operating in Nigeria are under a strict legal duty to maintain the confidentiality of their customers' account information. This duty is imposed by the Central Bank of Nigeria Act21 and the Banks and Other Financial Institutions Act.[22] The duty of confidentiality means that a bank will not disclose whether a person maintains an account with it or the details of any such account without a valid court order or the consent of the customer. This duty of confidentiality, while essential for the protection of customers, is the root cause of the

[19] *Jaiz Bank v GT Bank & Ors* (2017) LPELR-45130 (CA); *Sterling Bank Plc v Inc Trustees of El-Shaddai Covenant Ministries & Anor* (2022) LPELR-58888 (CA).

[20] *GTBank Plc v Innoson Nigeria Ltd* (2017) LPELR-42368 (SC); *Heritage Bank of Nigeria Ltd v Afrimpex Enterprises Ltd* (2022) LPELR-57413 (CA); *Central Bank of Nigeria v Access Bank Plc & Ors* (2022) LPELR-57017 (CA).

21 O Eze, 'Technology and Judicial Efficiency in Nigeria' (2022) 5 Journal of Nigerian Law and Practice 18.

[22] *ibid* 22.

difficulty facing judgement creditors in garnishee proceedings. It prevents them from finding out in advance which banks hold funds for the judgement debtor, thereby compelling the practice of joining multiple banks as a precaution.[23]

## 4.0 CHALLENGES

### 4.1 The Practice of Suing the Whole World

The most visible manifestation of the problem addressed in this article is the widespread practice whereby judgement creditors join fifteen to twenty or more banks as garnishees in a single application, in the hope that at least one of them holds an account for the judgement debtor. This practice has been aptly described as "suing the whole world."[24] It is not uncommon to see garnishee applications listing virtually every bank operating in Nigeria as a party.

This practice has several harmful consequences. It increases the cost of proceedings for the judgement creditor, who must serve each bank named as a party and attend multiple appearances. It wastes the time of the court, which must deal with numerous banks appearing at the return date to dispute the order. It also wastes the resources of banks that have no connection to the judgement debtor and who must instruct lawyers to attend court to seek discharge of the order.

### 4.2 The Challenge of Proper Identification

A second and equally serious challenge is the risk of misidentification. Where the judgement debtor has a common name, or where two or more persons share the same name, the attachment of a garnishee order may affect the account of an entirely different person who

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[23] National Information Technology Development Agency Act, Cap N156, LFN 2004.

[24] M Obi, 'BVN and Identity Verification in the Nigerian Banking Industry' (Central Bank of Nigeria) <https://www.cbn.gov.ng> accessed 12 June 2026.

happens to bank with one of the garnishee institutions and bears the same name as the judgement debtor.[25]

Where a third party's account is wrongly garnished, this may constitute a violation of the right to property guaranteed by section 44(1) of the Constitution of the Federal Republic of Nigeria 1999.26 The innocent third party may also bring a separate action in tort against the judgement creditor for the loss and damage suffered as a result of the wrongful attachment.

### 4.3 Inefficiency and Delay

The current practice contributes significantly to delay in the administration of justice. When multiple banks are joined as garnishees, each bank must be served with the order nisi, and each must attend court on the return date. This creates congestion in the court's cause list and delays the making of an order absolute even where a bank does hold funds for the judgement debtor.[27]

The problem is compounded by the fact that the Nigerian judiciary is already overburdened with cases, and the resources expended on dealing with unnecessary bank appearances could be more productively employed. The inefficiency of the current system undermines confidence in the judicial process as a whole and may deter legitimate creditors from pursuing enforcement proceedings.

## 5.0 LEVERAGING NIBSS AND BVN FOR TARGETED ACCOUNT TRACING

### 5.1 The BVN as an Identification Tool

[25] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 37; see also Nigeria Data Protection Regulation 2019.
26 Nigeria Data Protection Regulation 2019, art 2.1.
[27] Sheriff and Civil Process Act, Cap S6, LFN 2004, s 88.

The Bank Verification Number system, introduced by the CBN in 2014, provides a unique and reliable means of identifying every bank customer in Nigeria. Because each customer has a single BVN linked to all of their accounts across all financial institutions, a search of the BVN database can reveal precisely which banks hold accounts for a given individual.[28] This information, if made available to the court in garnishee proceedings, would enable the judgement creditor to target only those institutions that actually hold funds for the judgement debtor.

It is important to note that the BVN search would produce information about the existence of accounts and the identity of the holding institutions, but not about account balances. This distinction is crucial: the constitutional right to privacy and the Nigeria Data Protection Regulation[29] would not be infringed by the disclosure of account existence, provided that such disclosure is made pursuant to a valid court order and is limited to the purpose of the garnishee proceedings.

### 5.2 Proposed API Integration Between the Judiciary and NIBSS

This article proposes the creation of a dedicated Application Programming Interface (API) linking the case management systems of Nigerian courts to the NIBSS database. The API would operate as follows: before filing a garnishee application, the judgement creditor would file a preliminary motion ex parte, attaching a certified copy of the monetary judgement obtained and the personal particulars of the judgement debtor.[30]

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[28] Eze (n 21) 25.
[29] National Judicial Council, Guidelines for Court Technology Infrastructure (NJC 2021) para 3.4.
[30] See the e-Filing framework currently operating in the Federal High Court of Nigeria as of 2022.

Upon receiving this preliminary application, the court would transmit an authorised query through its e-filing system to NIBSS, attaching the particulars of the judgement debtor. NIBSS would then respond with the BVN linked to the judgement debtor and a list of all financial institutions that maintain accounts under that BVN. Armed with this information, the judgement creditor would be able to file a properly targeted garnishee application, naming only those institutions that have been confirmed to hold accounts for the judgement debtor.

### 5.3 Legislative and Institutional Reforms

Two principal legislative and institutional reforms are proposed to give effect to this proposal. The first is an amendment to the Sheriff and Civil Process Act to introduce mandatory BVN-NIBSS account tracing as a prerequisite to the filing of garnishee proceedings. Such an amendment would make it impermissible for a judgement creditor to file a garnishee application without first having obtained from the court a NIBSS-verified list of the financial institutions holding accounts for the judgement debtor.

The second reform is the establishment of a formal collaboration between the National Judicial Council (NJC) and NIBSS for the creation and administration of the API. This collaboration would require the development of a secure, court-supervised channel for transmitting BVN queries to NIBSS and receiving responses, with appropriate safeguards to prevent misuse of the system and to protect the data privacy rights of bank customers.

## 6.0 CONCLUSION

This article has examined the legal framework governing garnishee proceedings in Nigeria and identified the fundamental challenge that prevents judgement creditors from efficiently enforcing monetary judgements: the inability to identify, without speculative multi-bank joinder, which financial institutions hold accounts for the judgement debtor. The article has shown that this problem arises from the legal duty of bank confidentiality and the absence of any mechanism for the court-supervised interrogation of the national banking database.

The article has further demonstrated that the existing BVN and NIBSS infrastructure, if integrated into the judiciary's case management system through a dedicated API, would provide a targeted and legally sound solution to this problem. The proposed system would eliminate the need to join multiple banks as parties, reduce delay, lower costs for judgement creditors, protect the property rights of innocent third parties, and improve the overall efficiency of the enforcement process.

## 7.0 RECOMMENDATIONS

Based on the foregoing analysis, the following recommendations are made:

i. The Sheriff and Civil Process Act should be amended to make BVN-NIBSS account tracing a mandatory prerequisite before a garnishee application may be filed;

ii. The National Judicial Council should collaborate with NIBSS to create a dedicated, secure API for the transmission of court-authorised BVN queries;

iii. The relevant court rules should be amended to provide a streamlined procedure for making the preliminary ex parte application for a NIBSS account trace; and

iv. Appropriate data protection safeguards should be incorporated into the framework to ensure that the system is used only for its stated purpose and that the privacy rights of bank customers are protected.

v. The integration of technology into the garnishee process is not merely a matter of procedural convenience. It is a necessary step towards a more just and efficient system of post-judgement enforcement in Nigeria, and one that the existing financial and technological infrastructure is already equipped to support.