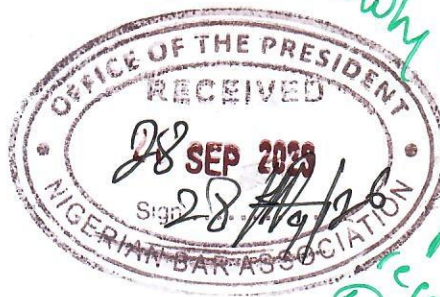


Chief Josiah Offor Ugwuka

No. 1 Itimi Street,
Off Western Hospital Road,
Warri, Delta State.

Date: 25/09/2026

The President,
Nigerian Bar Association (NBA),
National Secretariat,
Abuja, Nigeria.



*Kindly Mr. let V.P.
investigate this matter
and do a report
please with you
6/10/26*

**PETITION AGAINST MR. F. C. OKALA, ESQ., CHAIRMAN, NBA WARRI BRANCH,
FOR FAILURE TO SATISFY A JUDGMENT DEBT AND THE RESULTING CONDUCT**

PETITIONER: CHIEF JOSIAH OFFOR UGWUKA

RESPONDENT: MR. F. C. OKALA, ESQ., CHAIRMAN, NBA WARRI BRANCH

Dear Ma,

I, Chief Josiah Offor Ugwuka, respectfully write this petition to you in your capacity as the President of the Nigerian Bar Association, concerning the conduct of Mr. F. C. Okala, Esq., Chairman of the NBA Warri Branch, in relation to a judgment debt arising from **Suit No. MW/37/2020: Chief Josiah Offor Ugwuka v. F. C. Okala**.

1. FACTS OF THE MATTER

The Respondent, Mr. F. C. Okala, Esq., was a tenant in premises belonging to me and became indebted to me in respect of rent accruing therefrom.

Despite being given several opportunities to pay the outstanding rent and regularise his tenancy, the Respondent was unable to settle the outstanding rent.

Having exhausted the opportunities afforded to the Respondent to resolve the matter without litigation, I was ultimately compelled to approach the court for relief.

The matter was accordingly instituted as **Suit No. MW/37/2020: Chief Josiah Offor Ugwuka v. F. C. Okala** before the Delta State Magistrates' Court, Warri.

Upon hearing the matter, the court delivered its judgment on **22nd February, 2023**, per Chief Magistrate E. H. Diejomaoh (Mrs.).

In the said judgment, the court, amongst other reliefs, ordered the Respondent to vacate the premises and to pay the judgment debt arising from the rents accrued, and also made an order in respect of mesne profits.

The judgment sum awarded against the Respondent included the sum of **N440,000.00 (Four Hundred and Forty Thousand Naira)** and mesne profits.

Rather than satisfy the judgment, the Respondent appealed to the High Court of Delta State, Warri, and filed a Motion for Stay of Execution in respect of the judgment.

The said Motion for Stay of Execution was subsequently dismissed on **27th March, 2026**.

Following the dismissal of the application for stay of execution, the judgment debt remained unsatisfied.

The Respondent thereafter filed a Motion for Installmental Payment dated **30th March, 2026** before the same learned Chief Magistrate in the original proceedings. The said application is presently pending.

Thus, despite the judgment of the court, the Respondent has still not paid the judgment debt due to me.

2. WHY I AM PETITIONING THE NBA PRESIDENT

I appreciate that the enforcement of a judgment is ordinarily a matter for the courts and that the Respondent's pending application for installmental payment remains a matter before the learned Magistrate.

However, I am constrained to bring this matter to the attention of the President of the Nigerian Bar Association because Mr. F. C. Okala, Esq., is not only a legal practitioner but also the serving Chairman of the NBA Warri Branch, a branch with a long-standing and respected position within the legal profession.

The circumstances are particularly concerning because the judgment arose from an inability to pay rent despite several opportunities afforded to him to do so. I was consequently compelled to seek the intervention of the court, which ultimately ordered him to vacate the premises and to pay the outstanding judgment debt, together with the applicable mesne profits.

It is therefore a matter of concern to me that, notwithstanding the judgment delivered on 22nd February, 2023, and the subsequent dismissal of the Respondent's application for stay of execution on 27th March, 2026, the judgment debt remains unpaid.

I am not asking the NBA to determine the merits of the pending application before the Magistrates' Court, nor am I asking the Association to interfere with the judicial process. Rather, I respectfully ask that the NBA, as the professional body representing Nigerian lawyers, take note of the circumstances and consider whether the conduct complained of raises any professional or ethical concerns requiring appropriate investigation.

3. EFFECT ON THE REPUTATION OF THE NBA

The NBA is an institution founded, among other things, on the promotion of the rule of law, professional responsibility, integrity and respect for the administration of justice.

In my respectful view, it does not serve the good image of the Association when a person occupying the office of Chairman of the NBA Warri Branch remains indebted pursuant to a judgment of a competent court, particularly where an application for stay of execution has already been dismissed.

The issue is not merely the amount involved, which is N440,000.00 plus the mesne profits, but the principle involved and the example that such conduct may present to members of the public and younger members of the legal profession.

A person occupying the office of Chairman of an NBA Branch is expected to be conscious of the responsibilities attached to that office and of the confidence which the public places in the legal profession.

4. MY REQUEST

- 1 Take cognisance of this petition and the circumstances surrounding the judgment in Suit No. MW/37/2020;
- 2 Cause the matter to be appropriately reviewed or investigated to determine whether the conduct complained of raises any issue of professional or ethical concern under the applicable rules governing legal practitioners;
- 3 Invite Mr. F. C. Okala, Esq., to respond to the matters raised in this petition, if considered appropriate;
- 4 Take such appropriate administrative or professional steps as may be permissible if, upon investigation, any breach of professional obligations is established; and
- 5 Encourage F. C. Okala to take appropriate steps towards satisfying the judgment debt, subject always to the pending proceedings before the competent court.

5. DOCUMENTS ATTACHED

For ease of reference and to enable the Nigerian Bar Association to verify the facts stated in this petition, I hereby attach Certified True Copies (CTCs) of the relevant court documents, namely:

- 1 The Judgment delivered on 22nd February, 2023 by Chief Magistrate E. H. Diejomaoh (Mrs.) in Suit No. MW/37/2020: Chief Josiah Offor Ugwuka v. F. C. Okala;
- 2 The Enrolment of Judgment arising from the said judgment;
- 3 The Ruling delivered on 27th March, 2026 by the High Court of Delta State, Warri, dismissing the Respondent's Motion for Stay of Execution;
- 4 The Motion for Installmental Payment dated 30th March, 2026.
- 5 Other relevant court documents, where applicable.

The Certified True Copies of the above-listed documents are hereby attached to this petition for your consideration and verification.

6. CONCLUSION

I respectfully emphasize that this petition is made in good faith and is intended to draw the attention of the leadership of the Nigerian Bar Association to circumstances which, in my respectful view, warrant appropriate attention, particularly having regard to the office presently occupied by the Respondent.

I am not seeking to interfere with the judicial proceedings or to pre-empt the decision of the learned Magistrate on the pending Motion for Installmental Payment. My concern is that a judgment of a competent court has been made, the application for stay of execution has been dismissed, and the judgment debt nevertheless remains unsatisfied.

I therefore respectfully urge the President of the Nigerian Bar Association to give this petition the necessary consideration and take such steps as may be appropriate under the rules and procedures of the Association.

Thank you for your attention and consideration.

Yours faithfully,



CHIEF JOSIAH OFFOR UGWUKA

Petitioner

Address: No. 1 Itimi Street, Off Western Hospital Road, Warri, Delta State.

Telephone: 08033508550

Email: Worldcityholdings@yahoo.com

Date: 25th September, 2026

IN THE MAGISTRATE'S COURT DELTA STATE OF NIGERIA
IN THE WARRI MAGISTERIAL DISTRICT HOLDEN AT WARRI
BEFORE HIS WORSHIP E.H. DIEJOMAOH (MRS) CHIEF MAG GD I
ON WEDNESDAY THE 22ND DAY OF FEBRUARY, 2023

SUIT NO: MW/37/2020

CHIEF JOSIAH OFFOR UGWUKA

:::

PLAINTIFF

AND

F.C. OKALA ESQ.

:::

DEFENDANT

ENROLMENT OF JUDGEMENT

Upon the Claim filed and dated 2nd June, 2020 brought unto Court to wit:

The Plaintiff is entitled to possession of the office apartment together with its appurtenances lying and situate at No. 1 Ejemudaro Street, Warri, Delta State, a place within the jurisdiction of this Honourable Court, which was held of the Plaintiff by the Defendant as a Yearly Tenant and which Tenancy was determined by a one (1) month Notice to Quit.

The Plaintiff subsequently served on the Defendant a Notice filed on 8/5/2020 of his intention to recover possession of the said office apartment and notwithstanding the said notice, the Defendant has failed, refused and/or neglected to deliver up possession of the said office apartment and still detain same.

WHEREFORE the Plaintiff claims against the Defendant as follows:

1. Possession of the said office apartment together with its appurtenances, lying and situate at No. 1 Ejemudaro Street, Warri, Delta State.
2. The sum of N440,000.00 (Four Hundred and Forty Thousand Naira) being arrears of rent for the month of August 2018 – May 2020.
3. Mense profit at the rate of N20,000.00 (Twenty Thousand Naira) per month from June 2020 till possession is given up.
4. Cost of this action N50,000.00 (Fifty Thousand Naira)

Coming up for hearing and determination before His Worship E.H. Diejomaoh (Mrs.), Chief Magistrate GD I sitting at Magistrate Court II, Warri on Wednesday, the 22nd day of February, 2023. Case called parties are absent in Court. R.U. Okorodudu with M.R. Ereghare (Mrs.) for the Plaintiff, Z.O. Atanomeda for the Defendant.

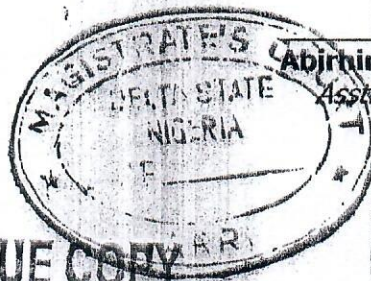
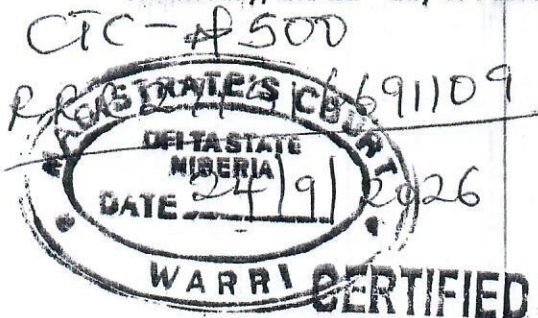
Court:

In this judgment I have considered the evidence of the Plaintiff and the Defendant, I am satisfied that the Plaintiff has proved his case as required of him in its relief 1-3. On relief 4, this Court cannot grant same to the Plaintiff, because the Plaintiff was unable or did not give any evidence or fact to establish relief 4. This Court cannot go on it vague relief to input or calculate relief 4.


E.H. DIEJOMAOH (MRS),
CHIEF MAG GD I

I hereby enter Judgment in favour of the Plaintiff in its relief 1 – 3. Relief 4 of the Claim is hereby refused.

Issued under the hand of the presiding **CHIEF MAG.** sitting at Magistrate Court II, Warri on Wednesday, the 22nd day of February, 2023.




Abirhire Agofure Blessing
Asst. Director of Court


ETAN ENDURANCE AFONOGHWE
PRINCIPAL REGISTRAR

CERTIFIED TRUE COPY

IN THE MAGISTRATE COURT OF DELTA STATE OF NIGERIA
IN THE WARRI MAGISTARIAL DISTRICT.
HOLDEN AT WARRI

26/5/2026

SUIT NO: MW/37/2020

BETWEEN

CHIEF JOSIAH OFFOR UGWUKA] PLAINTIFF/JUDGMENT CREDITOR/RESPONDENT
AND

BARR. F. C. OKALA] DEFENDANT/APPLICANT

MOTION ON NOTICE

BROUGHT PURSUANT TO PART III, SECTION 14 OF THE SHERIFF AND CIVIL
PROCESSES OF DELTA STATE AND UNDER THE INHERENT JURISDICTION OF THIS
HONOURABLE COURT.

TAKE NOTICE that this Honorable Court will be moved on the day of 2026 at the hour of 9'O clock in the forenoon or so soon thereafter as counsel can be heard on behalf of the Defendant/Applicant herein praying this Honorable Court for the following order(s):-

1. AN ORDER OF THIS COURT, GRANTING THE APPLICANT TO MAKE INSTALMENTAL PAYMENT OF THE JUDGMENT DEBT IN THIS SUIT.
2. AN ORDER OF THIS HONOURABLE COURT STAYING THE EXECUTION OF THE JUDGMENT OF THIS HONOURABLE COURT DELIVERED ON THE MONTH OF AUGUST 2023 PENDING THE HEARING AND DETERMINATION OF THE APPLICATIONS FILED IN THIS SUIT.

And for such further order or orders as this Honorable Court may deem fit to make in the circumstance.

Dated this 30th day of March, 2026.

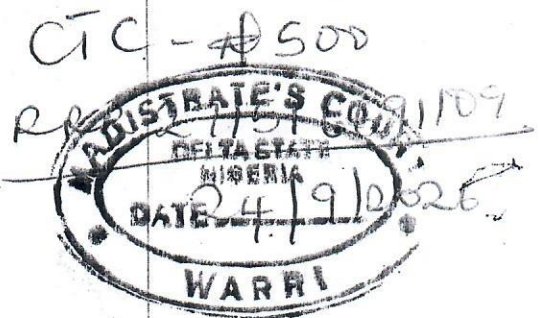

.....
F.C. OKALA ESQ
F.C OKALA & CO
14, Okumagba Avenue,
Warri
Delta State
08023073613
fcokala@lawyer.com

ADDRESS FOR SERVICE
ON THE CLAIMANT/RESPONDENT:
C/O HIS COUNSEL

UFUOMA OKORODUDU (MRS)
K.K.IHEME & CO
97, EFF/SAPELE, ROAD,
OPP MANDILAS.


24/9/2026
ETAN ENDURANCE AFONUGHE
PRINCIPAL REGISTRAR

CERTIFIED TRUE COPY



IN THE MAGISTRATE COURT OF DELTA STATE OF NIGERIA
IN THE WARRI MAGISTARIAL DISTRICT
HOLDEN AT WARRI

SUIT NO: MW/37/2020

BETWEEN

CHIEF JOSIAH OFFOR UGWUKA] PLAINTIFF/JUDGMENT CREDITOR/RESPONDENT
AND

BARR. F. C. OKALA

] DEFENDANT/APPLICANT
AFFIDAVIT IN SUPPORT OF THE MOTION

I GODKNWS AMOWEI, Male, Nigerian citizen, Christian and litigation clerk, with the applicant firm do make oath and states as follows:

1. I am familiar with the facts of this case and so have a firm knowledge of the position leading to this application.
2. That I was also informed by my employer, and I verily believe same to be true on the 31st of March, 2026, at our offices, who are the party to this application that;
 - A. That Upon the delivery of the Ruling at the high court the previous week he had met with senior members of the Bar to make payment of the judgment sum in manner that would reflect his age at the bar as not to be seen to chase the appeal while the sum has not been paid even in parts he would be comfortable to do till the monies are completed.
 - B. That the advice was taken by him and same gave rise to this application under the relevant laws after judgment delivery.
 - C. That the appeal can be pursued when he has paid the sum and this would reflect his good faith in the matter as pure judicial and same would not be seen as the Ruling implied
 - D. That the respondent will not be prejudiced in any way and manner if this application is granted as the payment would be to the benefit of the Judgment Creditor.
 - E. That the granting of this application would commence the payment in three installments.
 - F. That the best interest of Justice would be attained by the granting of this application.
3. That I make this oath believing same to be true and in accordance with the oath laws of Delta State.

SWORN to at the Court Registry Warri.

31st

This day March, 2026.

m/notice — N 1,000.00
Order — N 200.00
Oath — N 200.00
Service — N 100.00
Kilo — N 200.00
N 1,700.00

BEFORE ME

COMMISSIONER FOR OATH



ETAN ENDURANCE AFONUGHE
PRINCIPAL REGISTRAR

DEPONENT



CERTIFIED TRUE COPY

c 41 @ 12pm

8/3/26
P. O. Onajite-Kuejibola
24/5/26

IN THE HIGH COURT OF JUSTICE: DELTA STATE OF NIGERIA
IN THE WARRI JUDICIAL DIVISION: HOLDEN AT WARRI
BEFORE HIS LORDSHIP HON. JUSTICE P. O. ONAJITE-KUEJUBOLA (MRS.)
RULING DELIEVERD ON THE 27TH DAY OF MARCH , 2026.

BETWEEN

SUIT NO:W/3A/2023

F. C. OKALA ESQ.

APPELLANT/APPLICANT

AND

CHIEF JOSIAH OFFOR UGWUKA

RESPONDENT/RESPONDENT

RULING

By a motion on notice dated 25/4/2023, filed on 26/4/2023, brought pursuant to Order 45 Rule 8 and 15, Order 51 Rule 22 of the High Court Civil Procedure Rules 2009, of Delta State, the Appellant/Applicant is praying this Honourable Court for the following Order:

An Order of this Court staying execution of the judgment in Suit No MW/37/2020, pending the hearing and determination of the appeal before the High Court of Delta State Warri Division.

In support of the application is a 15 paragraph affidavit deposed to by the litigation Secretary in the law Office of F.C. Okala and Co. with the consent and authority of the Appellant/Applicant herein.

The Respondent upon being served with the processes filed by the Appellant/Applicant caused to be filed and served a counter affidavit of 15 paragraphs deposed to by a litigation secretary in the law office of K.K. Iheme and Co, with the consent and authority of the Respondent herein.

In moving the application, Learned Counsel F.C. Okala representing himself as Counsel being the Appellant/Applicant herein relied on averment per supporting affidavit while adopting the written address filed in support of the application as his submission thereto.

Learned Counsel formulated the sole issue for determination upon which he hinged his entire submission:

Whether this court can grant the application for stay of execution as sought by the Applicant?

According to Learned Counsel, the 15 paragraph supporting affidavit clearly shows the reasons why the court should grant the stay of execution as sought by the Appellant/Applicant.

Certified True Copy

Henry E. Okeke
Deputy Director of Courts

He cited and referred to the case of S.P.D.C. Vs. AMADI & OTHERS (2011) AFWLR pt 593 at 1816, 1836 whereas the court have been so empowered to grant stay of execution.

The denial of fair hearing he contends is the main and recondite issue raised by the Appellant/Applicant in the notice of appeal. The denial of fair hearing he submits is very fundamental and goes to the root of the entire hearing.

He contended that lack of fair hearing renders the entire hearing of the lower court and the judgment delivered a purely academic exercise.

Learned Counsel is urging Court to discountenance the entire counter affidavit, as it does not challenged or contradict the supporting affidavit.

He urged court to grant the stay of execution pending the appeal already filed before the Honourable court, and resolve the sole issues in favour of the Applicant.

Replying, Learned A. I. Ekeh Esq. of K.K. Itheme and Co. reeled an averment per counter affidavit while adopting the written address filed in opposition as his submission and legal arguments.

Learned Counsel formulated the following issue for determination, upon which this entire submission resonates.

"Whether the Applicant has shown special and exceptional circumstance peculiar to the instant case in order to be entitled to the grant of the application for stay of execution?"

According to learned Counsel, the Appellant/Applicant has not shown special and exceptional circumstances which Learned Counsel reeled out all as in his written address contending that the Applicant has not shown that the Respondent is incapable of paying back the judgment sum, which is the rent in arrears and memes profit owed by the Appellant/Applicant, having already given up possession, in compliance with the judgment of the lower court.

He contended that the application for stay of execution is only to frustrate the Respondent from reaping the fruits of this judgment for which he urged court not to grant.

In the consideration of this application, it is apposite to state that a stay of execution will only be granted if and only if the court is satisfied that there are special or exceptional circumstances to warrant doing so. The court do not make in practice of depriving a successful litigation of the fruits of his success.

Olunloyo – V – Adenuom (2001) 14 NWLR pt 744 at 699.

In this circumstance, Appellant/Applicant has raised the issue of lack of fair hearing before the judgment appealed against was delivered.

Henry E. Ekeh
Deputy Director of Prisons

This learned Counsel to the Appellant contends raises a recondite issue of law.

It is not however in every case where the Appellant has raised a serious or recondite issue of law that the upso facto entitled to a stay of execution as in his case.

See Agbaye – V – Adelekan (1990) 7 NWLR pt 164 at 595.

The facts that the Appellant/Applicant has also filed an appeal does not operate as a stay of execution as in this case.

From averments per the totality of affidavit before court, it bothers on areas of rent since 2018 and possession of the property. The Appellant/Applicant has moved out of the possession, yet want to get a stay of execution for the rent due.

I cannot find any special reason why the stay of execution be granted the applicant, who has not provided any exceptional circumstances why the stay of execution be granted.

The nature of the stay of execution the court grants depends on the facts of each case.

It is not in every case where an appeal raises a substituted issue of jurisdiction/fair hearing that a stay is granted automatically.

Order of stay of execution is not to be used to regain possession of premises, as in this case

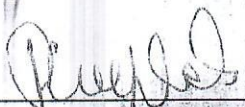
Adelaja – V – Ogunyade (2000) 8 NWLRpt 645 at 376.

By and large, in the circumstance of this case, I do not exercise my discretion in favour of the Appellant/Applicant herein.

I refuse to order a stay of execution.

The motion for stay of execution lacking merit is hereby dismissed.

Order: The written address filed by both Learned Counsel are hereby deemed as readopted.


Hon. Justice P. O. Onajite-Kuejubola (Mrs.)

Judge

27/3/2026.

Certified True Copy
Henry E. Okunle
Deputy Director of Court

Certification
166 5-4801
24-05-2026