



**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDING AT MAITAMA  
BEFORE HIS LORDSHIP: HON. JUSTICE H. B. YUSUF**



**SUIT NO: FCT/HC/CV/1105/13  
BETWEEN:**

USTA ALI EMRE.....PLAINTIFF

**AND**

ENGR. IKECHUKWU BONIFACE IFESIE.....DEFENDANT

**JUDGMENT**

The facts of this case as may be garnered from evidence before the Court is that the Plaintiff, a Turkish National was employed in Turkey sometime in 2010 by the Founder/Managing Director of AK-AY Elektrik Nigeria Limited (One late Engr. Hasan Gulsen) and later deployed to Nigeria. The Defendant is a Director of the Company. Plaintiff has alleged that shortly after he assumed duty in Nigeria the founder of the company died and parties herein started having misunderstanding on the way and manner the Defendant was running the affairs of the Company in Nigeria. There was misgivings and mutual suspicion leading to a visibly strained relationship among parties. That the Defendant allegedly wrote letters to various

security outfits in Nigeria branding the Plaintiff as a security risk with the intent of getting the Federal Government of Nigeria to deport him. Plaintiff has specifically alleged that the Defendant came to his residence on 15<sup>th</sup> July, 2013 to insult and slap him on the cheek. The Plaintiff is aggrieved and has presented this suit on 18<sup>th</sup> November, 2013 seeking the following reliefs:

- 1. A declaration of Court that the violent conduct of abusing and slapping the Plaintiff by the Defendant on at (sic) No. 34 Lateef Jakande Crescent, Gudu, Abuja amounts to assault and battery.**
- 2. A declaration of Court that the Defendant is liable to pay damages for assault and battery meted out by him on the Plaintiff.**
- 3. An Order of Court directing the medical evaluation of the Defendant to determine his sanity.**
- 4. The sum of N100,000,000.00K (One Hundred Million Naira Only) being General, Punitive and Exemplary damages against the Defendant for pains, trauma, depression and despair suffered by the Plaintiff as a result of the assault and battery meted on the Plaintiff by the Defendant.**

## **5. The cost of this suit.**

The Defendant denied liability vides his 16-paragraphs statement of defence. At plenary, the Plaintiff testified in support of his claim as PW1 while the Defendant testified in his defence as DW1. The two witnesses were duly cross examined by the respective learned counsel for parties.

Parties through their counsel filed and exchanged final written addresses which were adopted in the open Court.

Four issues were put forward on behalf of the Defendant as arising for the determination of this matter. They are:

- 1. Whether from the totality of the evidence adduced in this case, the plaintiff has proved that there were assault and battery and therefore entitled to the declaratory relief sought in his statement of claim.**
- 2. Whether the plaintiff is entitled to damages as claimed in this case and if yes, what type of damages.**
- 3. Whether in the circumstances of this case, the plaintiff is entitled to the claim for the appointment of a medical team to examine the sanity or otherwise of the defendant.**

**4. Whether the Plaintiff in the circumstances of this case is entitled to cost.**

The Plaintiff in his part adopted the above issues as presented by the Defendant. There is also a reply on point of law filed on behalf of the Defendant.

I have carefully perused the issues formulated by the Defendant and adopted by the Plaintiff and I form the view that the respective issues may be effectively condensed or synthesized into one issue which is:

**Whether the Plaintiff has discharged the onus of proof in this case to warrant the grant of the claims sought.**

Before I delve into this issue I find it necessary to dispose of a preliminary point which borders on the attack by the Defence on exhibits UIE2 and UIE2(a). The learned counsel to the Defendant at pages 10 to 13 of his final address attacked the admissibility and/or probative value of the exhibits on the following grounds.

- (1) That exhibits UIE2 and UIE2(a) being pictures taken from a CCTV Camera are computer generated evidence which ought to be accompanied with a certificate under Section 84 of the Evidence Act, 2011.

- (2) That the purported certificate of compliance in support of the exhibit made by the PW1 was made in English Language when in fact and indeed the PW1 doesn't speak or understand English.
- (3) That exhibit UIE3(a) was meant to cover exhibit UIE3 only thereby leaving exhibits UIE2 and UIE2(a) without any certificate.
- (4) That the jurat on exhibit UIE3(a) indicated that there was a prior certificate made in Turkish Language before it was translated to English and that failure to tender the Turkish version of the certificate alongside exhibit UIE3(a) has rendered exhibit UIE3 inadmissible.

I have carefully considered the attack on exhibits UIE2 and UIE2(a) (printed photographs) and I think the attack was wrong. The Plaintiff indeed filed a certificate of compliance which was admitted as exhibit UIE3A in obedience to the demand of Section 84 of the Evidence Act, 2011. The certificate was made in English Language and duly accompanied by a Jurat executed by one Dr. Mohammed Bawa Gummi. It is also not true as wrongly submitted by the Defendant's counsel that the content of the certificate suggest that there was a prior Turkish version. In fact, the content of the Jurat is set out hereunder for ease of understanding:

**“The content of this certificate of compliance with section 84 of the Evidence Act was read and interpreted to the Deponent, Usta Ali Emre in Turkish Language by me, Dr. Mohammed Bawa Gummi and he perfectly understand the same before appending his signature.”**

There is nothing to suggest from the above Jurat that there was a prior Turkish version which was not tendered by the Plaintiff. The interpreter simply stated that he read the content of the certificate to the Deponent and as far as he is concerned the Deponent seemed to perfectly understand same. The importation of a purported Turkish version of the certificate is not supported by the record of the Court.

The case of **YAHAYA VS DANKWAMBO (2016) 7 NWLR (PT.1511) 284** cited by learned counsel was taken out of context. For the avoidance of doubt the apex Court stated inter alia in that case as follows:

**“The law is settled that the language of the court is English Language and that where a statement or deposition is made in a foreign language and later translated to the language of the court, the English Language version must be tendered along with the version in the foreign language...”**

It must be noted that the statement in the above case was discredited not just because the Hausa version was not tendered along with the English version. The Apex Court also noted that:

**“Only the alleged English Language versions of the original depositions were tendered without a jurat.”**

A distinction has therefore emerged in the application of the authority to the facts of this case. Whereas there was a foreign version of the exhibit in dispute in the case cited above there is no foreign version of exhibit UIE3 in the case at hand. In a related development whereas there was no jurat in the English version of the deposition in the authority cited by the learned counsel to the Defendant, exhibit UIE3(a) herein has a jurat. The authority is clearly distinguishable and therefore inapplicable to the facts of this case.

For the purpose of argument the learned counsel for the Defendant was well aware of this point of law in the adoption of the witness statement of the Plaintiff as PW1. There was no Turkish version of the said statement before the Court yet the trial was conducted smoothly without any objection by the defence counsel.

In this case, the evidence before the Court did not allude to any foreign version of Plaintiff’s certificate of compliance. That narrative was only introduced by the Defence counsel through his final

written address. On that point the law is clear that submission of counsel not supported by evidence led at trial must of necessity be ignored.

See **OKWEJIMINOR V. GBAKEJI (2008) 5 NWLR (PT.1079) 172** where Muhammad, JSC succinctly but pointedly stated the law as follows:

**“No matter how brilliant the address of counsel is, it cannot be a substitute for pleadings or evidence.”**

It is also not true that the certificate (exhibit UIE3a) can only support the unmarked disc (exhibit UIE3) and not the printed photographs (exhibits UIE2 and UIE2a). The point must be made that both the printed photographs and the unmarked disc were produced from a common source which is the footage of the CCTV facility covering the alleged scene. The exhibits are therefore correctly admitted in evidence.

At the end of the day I hold as I should that both the certificate and the photographs are in order. I therefore overruled counsel to the Defendant on this point. This now lead to the substantive issue for determination.



## SUBSTANTIVE ISSUE

**Whether the Plaintiff has discharged the onus of proof in this case to warrant the grant of the reliefs sought.**

Now, it is trite law that he who asserts must prove same. This is so because the burden of proof is on the party who asserts or who will fail if no evidence is led on the issue. The onus of proof in civil cases rests squarely on the plaintiff.

See Section 131 and 132 of the Evidence Act, 2011 and the following cases:

- 1. OSAWURU VS EZEIRUKA (1978) 6-7 SC 135;**
- 2. OKUBUTE VS OYEGBOLA (1990) 4 NWLR (PT.147) 72; and**
- 3. ODUKWE VS OGUNBIYI (1998) 8 NWLR PT.561) 339.**

Learned counsel to the Plaintiff conceded to this settled principle of law when he referred the Court to Section 131 of the Evidence Act, 2011 and the case of **OMISORE VS AREGBESOLA (2015) ALL FWLR (PT. 813) 1780** and **HERO VS SHERIFF (2016) ALL FWLR (PT. 861) 1368.**

The case of the Plaintiff is primarily founded on the tort of trespass to person more particularly described as assault and battery.

Paragraph 19 of the Plaintiff's statement of claim is very clear on this point. It reads as follows:

**“That while relaxing with other Expatriate staff in the evening outside their resident on the said 15<sup>th</sup> July 2013, the Defendant suddenly emerged from nowhere and started abusing the Plaintiff and before the Plaintiff could even ask what the problem was, the Defendant landed him a very heavy slap on his cheek. The picture of this very violent battery and the CCTV Video records of this assault and battery are attached as Exhibits “C1” and “C2” and they shall be relied upon at the trial”**

Having clearly set out the ground for his claim, I agree with the submission of the learned counsel to the Defendant that on the line of judicial authorities for the Plaintiff to succeed in an action founded on assault and battery he must prove:

- (a) That the Plaintiff was put in fear of apprehension that force was about to be directly applied to the body of the Plaintiff by the Defendant;**
- (b) That force was directly applied by the Defendant to the body of the Plaintiff; and**
- (c) That the force was intentional.**

The Defendant both in his pleadings and evidence led in support denied the allegation of assault and battery against Plaintiff and went further to state that it was the Plaintiff that rather assaulted him. He avers at paragraph 11 of the statement of defence as follows:

**“The defendant denies paragraph 12 of the statement of claim and states that he has never assaulted the plaintiff as it was the plaintiff that assaulted him on the 15/7/2013 and he had to go to the National Hospital, Abuja for medical examination and treatment. The National Hospital shall be subpoenaed to give evidence and issue a medical report which I have since requested for as the plaintiff is now lying against me that I assaulted him while he was the culprit.”**

It is clear from the foregoing that the Defendant has effectively denied the case of the Plaintiff. If that be the case the onus is on the Plaintiff to establish his entitlement to his reliefs.

In his evidence before the Court the Plaintiff who personally testified as PW1 restated paragraphs 19 and 20 of his pleadings in the witness statement on Oath as follows:

**19. “That while relaxing with other Expatriate staff in the evening outside their resident on the said 15<sup>th</sup> July 2013, the Defendant suddenly emerged from nowhere and started abusing the Plaintiff and before the Plaintiff could even ask what the problem was, the Defendant landed him a very heavy slap on his cheek. The picture of this very violent battery and the CCTV Video records of this assault and battery are attached as Exhibits “C1” and ”C2” and they shall be relied upon at the trial”**

**20. “That this very violent conduct of the Defendant caused me very serious pains, distress, trauma, despair, fear and discomfort.”**

He also tendered photographs (exhibits UIE2 and UIE2A) to support the allegation of battery. There is also an unmarked disc admitted as exhibit UIE3. It is however instructive to note that apart from tendering the above exhibits the witness was not led by his counsel to analyze any of the features contained therein. As a matter of facts the images in the photographs tendered are very blurred. It is practically impossible to identify with utmost certainty any individual in the blurred images on the exhibits. On that note I hold as I should that exhibits UIE2 and UIE2A are of no evidential value.

Similarly, the unmarked disc which allegedly captured the CCTV footage tendered as exhibit UIE3 was not played in the open Court in order to demonstrate its content and subject same to cross examination if need be. I will return to this point shortly.

On this note I am mindful of the submission of the learned counsel to the Plaintiff while placing reliance on the case of **ADUN VS OBAYUWANA (2016) ALL FWLR (PT. 819) 1157** that documentary evidence once admitted in evidence becomes the best evidence of its contents and therefore speaks for itself. He also cited additional case, to wit:

- (1) ODUN VS CHIBUEZE (2016) ALL FWLR (PT. 848) 749;**
- (2) UKEJE VS UKEJE (2011) ALL FWLR (PT. 730) 1337; and**
- (3) FBN PLC VS IMASUEN & SONS NIG LTD (2014) ALL FWLR (PT. 725) 367.**

The Court was therefore invited to look at the pictures and also video footage showing the alleged battery by the Defendant against the Plaintiff. In that wise learned counsel again called in aid the case of **ADUN VS OBAYUWANA (Supra)** to the effect that:

**“When a document is duly pleaded, and admitted in evidence, the document becomes the best evidence of its contents and therefore speak for itself. No oral evidence will be allowed to discredit the said**

**contents except in cases where fraud, mistake etc is alleged, and even, it has to be pleaded. In the instant case, where the document pleaded by the respondents were not controverted during cross-examination, the trial Court rightly admitted and relied thereon.”**

Learned counsel also referred the Court to the case of **OLASUPO VS MORAKINYO (2014) ALL FWLR (PT. 726) 606** where it was stated that documentary evidence attracts more weight than oral evidence. Learned counsel again referred the Court to the video record of the incident admitted as exhibit UIE3 and urged upon the Court to review the content of the exhibit. He placed reliance on the case of **OYEWINLE VS IRAGBIJI (2014) ALL FWLR (PT. 731) 1560** where it was held that:

**“A Court is entitled to look into any document tendered and admitted in evidence before it and draw relevant inference there from.”**

The learned counsel to the Defendant, Mr. Peter, on his part disagreed with the submission of the Plaintiff's counsel. He submitted that the evidence of the Plaintiff is speculative especially as those who allegedly witnessed the alleged assault and battery were not called to testify in this case. On this point learned counsel

referred the Court to the case of **AGBONAVBARE VS OGBEBOR (2007) 8 NWLR (PT. 1037) 605** which according to counsel is not dissimilar to the facts of this case. Mr Peter submitted that failure to call the expatriate colleagues of the Plaintiff allegedly present at the point of the alleged assault and battery is fatal to the case of the Plaintiff. He also called in aid the case of **USUFU VS STATE (2007) 1 NWLR (PT. 1020) 94** where Galinje, JCA (as he then was) stated inter alia as follows:

**“Although the prosecution needs not to call a host of witnesses on the same point, where there is a vital point in issue and there is a witness whose evidence will settle it one way or the other, the witness ought to be called. Alhaji Bala, Ibrahim and Danyaro having played prominent role during and after the commission of the offence ought to have been called as witnesses. Failure to call them is fatal to the prosecution’s case.”**

Learned counsel also cited the case of **OGUDO VS STATE (2011) 18 NWLR (PT. 1278) 1** where Rhodes-Vivour, JSC also re-echoed and reinforced the above principle of law.

Turning to exhibit UIE3 (unmarked disc) Mr. Peter submitted that the exhibit is of no evidential value as the content was not

demonstrated in the open Court. That failure to play the video in the open Court is a grave omission as the Court would be in error of conducting a private investigation if it had to play the video in Chambers and draw unverifiable conclusion on same. On this point of law learned counsel cited the case of **ADEGBITE VS AMOSU (2016) 15 NWLR (PT. 1536) 405** and **IKPEAZU VS OTTI (2016) 8 NWLR (PT. 1513) 38**.

Finally it was the submission of Mr. Peter for the Defendant that the pictures in exhibit UIE2 and UIE2(a) do not disclose any visible and ascertainable image(s) relevant to the case of the Plaintiff. The Court was therefore urged to discountenance the content of the exhibits.

In his reaction to the attack on the failure to call vital witnesses the learned counsel to the Plaintiff submitted that having tendered documentary evidence which adequately establish the case of the Plaintiff there was no need to call additional witnesses. On this point learned counsel again placed reliance on **ADUN VS OBAYUDANA (Supra)**.

On the failure to demonstrate the content of exhibit UIE3 in the open Court the Plaintiff's counsel submitted that it is not fatal to the case of the Plaintiff. He submitted that the Court is at liberty to play the disc and draw relevant conclusion. That the record of the Court indicated that the Plaintiff affixed his passport photograph to his



witness statement on Oath thereby making it easier to identify the Plaintiff in the unmarked disc (exhibit UIE3).

Furthermore, it was submitted By the Plaintiff's counsel that the identity of the Plaintiff should not be an issue because the Plaintiff personally testified in Court as PW1. Hence, the Court can easily identify him in the opinion of the Plaintiff's Counsel. That an assessment and evaluation of the video evidence in dispute does not amount to investigation but simply evaluation of evidence which is squarely within the jurisdictional competence of the Court. counsel cited cases in support of this point.

The reply on point of law filed by the learned counsel to the Defendant is substantially the same with his final address except with respect to the trite point he raised that submissions in final written address which are at variance with evidence led at trial goes to no issue. I have also decided to ignore all the arguments based on verbal assault as learned counsel to the Plaintiff has stated that the Plaintiff is no longer interested in that line of claim.

Now, what has played out from the totality of the evidence led in support of the allegation of battery against the Defendant is that the Plaintiff's case is totally tied to exhibits UIE2, UIE2A and UIE3. If that be the case the Court is under a legal obligation to evaluate and determine the probative value of same. What am saying in essence is

that the case of the Plaintiff is exclusively built on exhibits UIE2, UIE2(a) (printed photographs) and UIE3 (unmarked disc). These are the documents which the Court must examine and evaluate in order to determine the case.

Now exhibits UIE2 and UIE 2(a) are photographs taken from CCTV Camera and allegedly showing the attack on the Plaintiff. I have carefully scrutinized the two exhibits and it is clear to me that the images therein are at best in the form of a negative yet to be developed into full pictures.

There is no definitive and ascertainable features to suggest or show that either the Plaintiff or the Defendant were in the tendered photographs. This is very critical because if parties cannot be identified in the photographs there is no way the same set of photographs can be relied upon to attach any legal liability on the Defendant.

It is also instructive to note that after the exhibits were tendered by Mr. Sunday Ogboji of counsel through the Plaintiff no further effort was made to possibly analyze the content of same. The submission of the learned counsel for the Plaintiff that the personal appearance of the Plaintiff in Court in addition to his passport photograph on the witness statement on Oath ought to assist the Court in evaluating

exhibits UIE2, UIE2(a) and UIE3 is of no moment. It is not the duty of the Court to embark on speculative voyage.

The case of **MAKU V. AL-MAKURA (2016) 5 NWLR (PT.1505) 201** cited by Mr. Peter of counsel for the defence is beyond disputation. In that case the apex Court re-echoed and reaffirmed its earlier decision in **ONIBUDO V. AKIBU (1982) 7 S.C. 29** on the need for Court to restrain itself to evaluation of evidence as opposed to embarking on inquiry as follows:

**“It needs to be emphasized that the duty of a court is to decide between the parties on the basis of what has been demonstrated, tested, canvassed and argued in court. It is not the duty of a court to do cloistered justice by making an inquiry into the case outside court even if such inquiry is limited to examination of documents which were in evidence, when the documents had not been examined in court and their examination out of court disclosed matters that had not been brought out and exposed to test in court and were not such matters that, at least, must have been noticed in court.”**

At this point I must emphasis that the case of the Plaintiff is built on assault and battery. Exhibits UIE2 and UIE2(a) are printed pictures generated from the CCTV footage covering the premises. They do

not show any physical attack by anybody against anybody. The exhibits do not themselves show that anybody including the Defendant has raised his hands against the Plaintiff. Similarly exhibits UIE2 and UIE2(a) being static and silent images did not capture movements and the voices of the persons captured in the photographs. That being the case they are unhelpful in supporting an allegation that the Plaintiff was slapped by the Defendant.

Furthermore and on the probative value of the unmarked disc (i.e. exhibit UIE3), it is my view and I agree with learned counsel to the Defendant that the disc though admitted was not taken as read. That being the case exhibit UIE3 ought to have being demonstrated in the open Court for necessary weight to be attached to it. The failure to so demonstrate amount to dumping of document on the Court!

The Law is clear as held in numerous decisions of the Supreme Court that documents must not be dumped on the Court but must be demonstrated by linking them to specific aspects of a party's case.

See:

- 1. C.P.C V. INEC (2013) ALL F.W.L.R (PT.665) 385;**
- 2. INIAMA V. AKPABIO (2008) 17 NWLR (PT.1116) 296 AT 299-300 PARAGRAPHS D-B; AND**
- 3. DICKSON V. SYLVIA & ORS (2016) LPELR 41257 (SC).**

On this account it is my view and I hold that the failure to demonstrate the electronically generated evidence amounts to non-prove of the Plaintiff's case.

In view of the incurable defects associated with the series of documentary evidence submitted by the Plaintiff he ought to have called those he pleaded were present at the scene of the alleged assault to testify in support of his case. Failure to call the said witnesses to put it lightly is fatal to the case of the Plaintiff. The case of **OGUDO V. STATE (2011) 18 NWLR (PT.1278) 1** cited by the learned counsel to the Defendant is on point wherein Rhode-Vivour, JSC held as follows:

**“A vital witness is a witness whose evidence is fundamental in that it determines the case one way or the other.**

His Lordship went further so say that:

**“Failure to call a vital witness by the prosecution is fatal to the prosecution's case. See State v. Nnolim (1994) 5 NWLR (PT.345) p. 394. Furthermore, failure to call vital witness raises the presumption under Section 149 of the Evidence Act that had he been called the evidence he would have led would have been unfavourable to the prosecution...”**

If the Plaintiff must escape the conclusion reached in the above cases being invoked against him he must explain and give plausible reasons for not calling those who were present and witnessed the attack. This he has not done. He cannot under the circumstance escape the inference and presumption under Section 167(d) of the Evidence Act, 2011 which is to the effect that he refused to call them because he know they would have given unfavourable evidence in this case.

It is my candid view and I hold that failure to call any of the expatriate staff or colleagues of the Plaintiff who witnessed the incident is fatal to the case of the Plaintiff especially when the documentary evidence put forward had been adjudged defective and conclusively lacking in merit. In that regard the argument of the lead counsel to the Plaintiff to the effect that a party need not call a host or multitude of witnesses, though based on a sound principle of Law, but that principle is not applicable to this case for obvious reasons!

For the avoidance of doubt the Law in this regard is as re-echoed by Augie, JCA (as he then was) in **OSAZUWA V. ISIBOR (2004) 3 NWLR (PT.859) 16** to the effect that:

**“A Plaintiff does not need to call a host of witnesses to prove his case. One solitary witness is enough if his/her evidence proves the essential issue in dispute.”**

In this case, the Plaintiff who testified as a solitary witness has not proved the fact in issue. This development has effectively displaced the proposition of the Law that the Plaintiff need not call a host of witnesses. The Plaintiff in this case has failed to call a material witness which development is fatal to his case. In **AKINTOLA V. SOLANO (1986) 4 S.C 141** the Supreme Court per (per Coker, JSC) stated that”

**“The trial Judge is not a Judge of which person should be called as witnesses. That is the function of Counsel conducting the case.”**

Having failed to call material witnesses who allegedly witnessed the assault in dispute the case of the Plaintiff is not proved especially when the documentary evidence tendered have been adjudged to be of no merit.

In reaching the conclusion that the Plaintiff has not discharged the burden place on him by Law I am guided by the position of the Law that battery is criminal in nature and the standard of proof is beyond reasonable doubt even in civil cases. The pronouncement of the Court of Appeal in **AGBONAVBARE V. OGBEBOR (supra)** ably

cited by learned counsel to the Defendant on this point is very clear. And it is to the effect that an allegation of commission of assault on a person is an allegation of commission of a crime which must be proved beyond reasonable doubt and not on a balance of probability. Regrettably the evidence led by the Plaintiff in support of his case has not met this requirement of the Law. He has therefore not discharged the onus of proof placed upon him and I hold as such. The end result is that the case of the Plaintiff is unsuccessful and it is hereby dismissed.

The declaration sought under reliefs (1) and (2) cannot succeed. Similarly reliefs (3) and (4) which are all consequential in nature are bound to fail. This is so because those reliefs are incidental to the principal declaratory reliefs.

For example, relief 3 seeks “an Order of Court directing the medical evaluation of the Defendant to determine his sanity”. There is no ground to support this claim. The Plaintiff did not demonstrate the exact attitude or behavioural pattern exhibited by the Defendant to warrant an inquisition into his sanity. This is so because it is not in the tradition of the Court to dabble into the mental state of a Defendant in matters founded on assault and battery. This relief to my mind is neither here nor there. In the absence of any cogent



ground the Court cannot act in vacuo by embarking on a baseless medical inquisition. The claim is clearly lacking in merit.

The failure of the principal reliefs also marked the collapse of the incidental or consequential reliefs as you cannot put something upon nothing and expect it to stand. They are therefore dismissed.

In all, the claims of the Plaintiff fail in its entirety and accordingly dismissed.

**SIGNED**  
**HON. JUSTICE H.B. YUSUF**  
**(PRESIDING JUDGE)**  
**16/10/2019**