



permanent denial of access to her two infants children till date.

- (2) **An Order** declaring the action of the Respondent against the Applicant on the 15<sup>th</sup> day of June, 2018, to wit; locking her out of her matrimonial home, denying her access to her wearing apparels and other necessities for 28 days, and denying her access to her infant children to date as inhuman, degrading and lacking respect to the dignity of her person and therefore a violation of her Fundamental Human Rights.
  
- (3) **A Declaration** that the consequence of the denial of access to the two infant children of the Applicant and her matrimonial home was capable of affecting her mental health and therefore a violation of her Fundamental Human Rights.
  
- (4) **An Order** directing the Respondent to pay to the Applicant the sum of ₦25, 000,000.00 (Twenty Five Million Naira) only as Exemplary damages for the humiliating and inhuman treatment he has subjected the Applicant to since the 15<sup>th</sup> day of June, 2018.
  
- (5) **Omnibus prayer.**

She has in an 84 paragraphs Affidavit of fact narrated the gory details of the humiliation she has suffered in the hands of the Respondent in the past few years before she instituted this action. She based the action on the following grounds:

- (1) That as at 15<sup>th</sup> day of June, 2018 she was married to the Respondent at SB 5 Flat 16 NNPC Quarters. That Respondent allowed her to ----- outside the house to watch a football match but used that as ploy to lock her out of the matrimonial home which was premeditated and based on strained relationship between them over the years.
- (2) That Respondent had once told her that he would dealt with her the way he dealt with his first wife who is now late if he was still younger in age.
- (3) That the Respondent aim at destroying her and her family – siblings is a violent infraction of her Fundamental Right to dignity of her human person.
- (4) That Respondent is aware of the bond between her and her children and knows that continuous denial of access to them will actually make her run mad.
- (5) That the Respondent had frustrated all efforts she had made since 15<sup>th</sup> day of June, 2018 to see or have access to her children.
- (6) That the Respondent has treated her with utter disdain and contempt as a wife for no justifiable reason.
- (7) That the Respondent has all the means to secure her exit from the house following due process of law but refused to do so.
- (8) Again that the Respondent has the financial muscle and properties to pay her the claim of Twenty Five Million Naira (N25, 000,000.00) damages for his reckless and heartless action.

She attached a document – email written by Respondent. It was not dated.

Upon receipt of the Originating Process the Respondent filed only a Preliminary Objection challenging the jurisdiction of this Court and the competency of the Suit. He did not file any Counter Affidavit to challenge the main Suit.

The Preliminary Objection was based on the following grounds:

- (1) That the matter of matrimonial flavour cannot come under the Fundamental Right Enforcement Proceedings (FREP).
- (2) That this Suit as presently constituted is incompetent and as such this Court lacks jurisdiction to entertain same.

In the Written Address in support of the Preliminary Objection the Respondent raised an Issue for determination which is:

**“Whether the claims of the Applicant is rightly suited for ventilation under the Fundamental Right Enforcement Procedure Rules?”**

The Respondent answered the question in the negative. He submitted that matrimonial flavoured matter cannot come under Fundamental Right Enforcement Proceedings (FREP). That the main relief in this case is suitable for matrimonial case. That the facts placed before this Court leading to the institution of this matter all centred on matrimonial relationship between the parties. He referred to the case of:

**Uchechi Nwachukwu V. Henry Nwachukwu  
(2013) LPELR 601 CA/OW/123/09**

That the substratum of the issue in dispute and the circumstance that led to the Suit is the marriage between the parties. That for an action to be maintained under the Fundamental Right Enforcement Proceedings (FREPEP), the ground upon which the reliefs are sought must be clearly and fully stated in details as to disclose the infringement being complained of. They referred to the case of:

**WAEC V. Adeyanju  
(2008) 9 NWLR (PT. 1092) 270**

That for the Applicant to succeed she must ensure that her main relief sought points to a Fundamental Right as contained under CAP 4 1999 Constitution as amended. She must also establish that the Respondent has deprived her of the said rights. That the allegation by Applicant that her Right to Dignity of her person has been denied because of the denial of access to her Children and her matrimonial home does not make the action a maintainable recourse to the FREPEP Rules. That S. 34 of the 1999 Constitution does not provide for such ground. That for the Applicant to succeed she must make the violation of her rights the main relief and not auxiliary relief. That in this case the Applicant had made the denial of access to her Children and matrimonial home the main relief in this case. That such cannot be treated or give right to proceeding as grounds for violating her Fundamental Rights. That being the case the Court lacks the jurisdiction to entertain the Suit as the Suit is incompetent since the jurisdiction of Court is hinged on Reliefs sought. He referred to the case of:

**Dangote V. Civil Service Commission Plateau State  
(2001) 19 WRN 125**

That Court lacks jurisdiction to entertain this Suit and that any decision by the Court on the matter is a nullity no matter how well conducted. They referred to the case of:

**Madukolu V. Nkemdilim  
(1962) NSCC 374 @ 379 – 380**

That in the instance case the main issue given the nature of the case is matrimonial in nature and such cannot be enforced under the Fundamental Right Enforcement Proceedings (FREPE) Rules. That none of the claims of the Applicant is an enforcement of the Right under the Rules. Hence the Court lacks jurisdiction. They referred to the case of:

**Kankara V. COP  
(2002) 13 NWLR (PT. 785) 596**

That the Applicant has failed to commence this action by the proper method – matrimonial case and as such it is bound to fail. That Court has inherent jurisdiction to ensure that Rules of Court is duly complied with. They referred to the case of:

**Obajinmi V. A-G Western Nigeria  
(1968) All NLR 96**

He urged the Court to dismiss the Suit or strike it out for lack of competence. The Applicant challenged the Preliminary Objection. The Court adopt the Applicant response on the Preliminary Objection as if it is set here seriatim.

## COURT:

It is the law and has been the good practice and procedure globally that once the jurisdiction of a Court is challenged and the competence of the Suit too, the Court halts, assume jurisdiction to determine if it has jurisdiction to entertain a Suit. Once the jurisdiction is challenged at any stage, the Court suspends all the proceedings and done and dust the issue before it goes on if it still has jurisdiction. But where it finds that it lacks jurisdiction, it will hands off the case and end all proceedings no matter the stage of the Suit.

Jurisdiction of Court can even be raised or challenged on Appeal. Any findings of Court where it is clear that Court lacks requisite jurisdiction comes to no issue and the decision is a pure nullity. That is the extent of the seriousness of issue of jurisdiction.

Again in any case within the jurisdictional chain of this Court, the issue of demurrer does not exist having been abolished since 2004. The Court has been enjoined to do justice and substantial justice as fast as possible because delayed or belated justice is not good as it loses its efficacy and taste where it comes belatedly.

Also matters predicated on Fundamental Right Enforcement Proceedings (FREP) are specialized. They are in class of their own in that the Rule of Evidence is not strictly followed or complied with. Once a person has alleged that any of the Right contained in CAP 4 of the 1999 Constitution as amended has been, is being, had been or likely to be infringed, the person affected has a right to apply to Court for redress.

Once the Court is contacted – receives such complaint in form of an application supported by Affidavit of facts, Statement in lien and

Exhibits where available and necessary, the Court will listen. The facts needs not be in a special format or procedure, the Court can decipher through the facts in the Affidavit that any of the Rights contained in CAP 4 of the 1999 Constitution as amended is/had or threatened to be violated, the Court will state so and uphold the application according to the Constitution and law and hold that there is a violation of such Right. The Court has to award damages even when the Applicant does not seek any al in the interest of justice.

The Fundamental Right Enforcement Proceedings (FREP) cases are so delicate that the Court does not wait to see physical bleeding and bruises from the Applicant before it can hold that the Right of an Applicant has been violated. This is so even when in the Order of relief, the relief on challenge of the Fundamental Right Enforcement Proceedings (FREP) Right is placed as the last relief in the case.

The Court have taken the issue of violation of Fundamental Right Enforcement Proceedings (FREP) Rights so much serious that once there is any sign of violation of the listed Rights the Court raises the red flag and states so.

The Court has graduated from seeing physical bruises to include that abuses of Fundamental Right Enforcement Proceedings (FREP) Right has extended to psychological, social, emotional and economic infringement of Rights. This means the Court gives the definition of infringement of rights its widest meaning. It entails more detailedly what was not considered as infringement in the time when the Supreme Court the case of **Abdulraham Shugaba Darmar V. Minister of Internal Affairs in the 1980s.**



With the citizens becoming more educated and exposed and aware of their rights under the law, the definition of Human Right even under the United Nation Charter has drastically and geometrically expanded and extended exponentially. The bottom line is that the Court before which an application for enforcement of Fundamental Right Enforcement Proceedings (FREP) Right violation allegation has come, has the duty to decide after a critical evaluation of the facts supporting the application to seek if there is an abuse or element of abuse of such right.

To determine if it is an abuse, the Court looks not just on the Reliefs sought as listed but on the fact upon which those Reliefs are premised. Where the facts support the claim of abuse or violation of the right, the Court will of course hold that there is an infringement. Otherwise the Court will hold that there is no abuse. So the chronological listing of the Reliefs has little or nothing to do per se.

It is from the facts which contains the details of the action of the Respondent that the Court looks at, considers and determine whether or not those actions by the Respondent amount to an abuse.

Where such facts contains other actions which are not related to the fundamental rights as provided in CAP 4 of 1999 Constitution which can be violated, the Court look and treat such facts/actions and Reliefs as auxiliary. While the facts/actions that reflect abuse as provided in CAP 4 are treated where established as infringed and violated by the Respondent in the case.

So any Preliminary Objection challenging the chronological sequence of the action of the Applicant when interwoven with other facts cannot becloud a Court from deciding whether or not a person's right was

violated, breached or infringed. Relying on placing of the action rather than the act itself is mere technicality.

In this case the Preliminary Objection is centred on the fact that this application is based on matrimonial issue which ought to be treated under matrimonial cases and that the Reliefs on is more on matrimonial case than on Fundamental Right Enforcement Proceedings (FREP). Again that such relief are not accounted for under Fundamental Right Enforcement Proceedings (FREP) Rules and CAP 4 of the 1999 Constitution as amended. That the Reliefs on Fundamental Right Enforcement Violation is ancillary and not the main Reliefs. The Respondent has cited several cases in support of the Preliminary Objection.

But the Applicant have stated that all the facts stated culminated in what led to the denial of access to her matrimonial home and access to her Children. That the abuse is not just based 2 facts but mainly on the mental torture, humiliation and in the psychological trauma she had suffered in the hands of the Respondent. That the cause of action gives the Court the jurisdiction. That the Court in this case has the requisite jurisdiction to try the case because the issues borders on the violation of the Right to Liberty and Dignity of the person of the Applicant.

This Court believes that the issue in dispute touches on the violation of the Right of the Applicant because in as much as the Reliefs spelt out first the issue of denial of access to Children of the Applicant, there is also the issue of personal liberty and dignity of the Applicant person as stated (or should I say) embedded on the Reliefs sought.

The Court at this stage is not called upon to determine whether or not the Respondent violated the right of the Applicant, or the merit or

demerit of the case of the Applicant in this case. The Court is only here at this stage to determine if it has jurisdiction or not to try the case of the Applicant which the Respondent claims is based on issues of matrimonial case.

It is the view of this Court that there are issues which centres on allegation of violation of the extant Rights of the Applicant which is contained in the Reliefs sought. Again since the claim is on such allegation of violation of Right under Fundamental Right Enforcement Proceedings (FREP) and the claim is also same, the Court has the right to entertain the Suit. It has also the jurisdiction to entertain the Suit in the main. Whether the Suit is meritorious or not is a different thing at this stage as the Court is not here to determine in this Preliminary Objection.

In other words the Suit is competent and the Court has the jurisdiction to entertain it. So the Court holds. The action is also properly commenced by the right method or procedure contrary to what the Respondent is postulating. There is compliance with the Rules of the Court in this regard by the Applicant in this case at this stage. The detailed facts in the 84 paragraphs Affidavit in the main Suit puts no one in doubt about the cause of the institution of this case in the first place.

Again it is imperative to point out that even where the claim is interwoven with other claims, the Court is only interested to decipher if there is an element of violation of the right and consider same as necessary judicially and judiciously in the interest of justice, leaving the rest of the issues or treating it as auxiliary.

This Court therefore having the jurisdiction to entertain this Suit, the said Suit being competent.

This therefore means that the Preliminary Objection is unmeritorious, it is therefore DISMISSED.

**This is the Ruling of this Court.**

**Delivered today the \_\_\_\_\_ day of \_\_\_\_\_  
2020 by me.**

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**K.N. OGBONNAYA  
HON. JUDGE**

The Court will go on to deliver the Judgement.

## **JUDGEMENT**

This Court having dismissed the Preliminary Objection for lacking in merit, I will go ahead to deliver the Judgement in this case.

Please note that Court hereby adopts in its entirety the Ruling just delivered dismissing the Preliminary Objection as part of this Judgement.

As stated earlier in the Ruling, though the Respondent was duly served with this application he did not file any Counter Affidavit to challenge the case of the Applicant.

The Court in exercise of its discretionary power allowed the Respondent to respond to the application on points of law. He adopted the same submission as in the Preliminary Objection.

On her part the Applicant had raised the following Issues for determination which are:

- (1) If it be true that Respondent took the alleged actions complained of to wit: locking her out of the matrimonial home and evacuating their Children to a place unknown to the Applicant on the 15<sup>th</sup> day of June, 2018 did he not violate the Applicant's Fundamental Human Right by doing so?**
- (2) Whatever be the Respondent's reason for the action he took against the Applicant on the 15<sup>th</sup> day of June, 2018 could it be said that the said actions were the only options to redress whatever annoyance he has against the Applicant?**
- (3) In the absence of any law, be it local, national or international that permits and justifies the action of the Respondents against the Applicant on the 15<sup>th</sup> day of June, 2018 should he not be sanctioned and ordered to compensate the Applicant for violation of her Fundamental Human Right?**

On Issue No. 1 the Applicant submitted that given the chequered history of the tormentous relationships of the Applicant and

Respondent puts no one in doubt that actions of the Respondent on the 15<sup>th</sup> day of June, 2018 was clearly premeditated.

That the actions were well thought out in advanced and perfectly executed when he permitted her to go and watch football match outside the house and then refused her access back to the same house after few hours. That the said action grossly humiliated her and ridiculed and belittled her in the presence of her neighbours and other well meaning and reasonable Nigerians living within the Estate where the parties lived. She relied on the provision of **S. 34 (1)** – right to dignity of a citizen human person. That the action violated her right to personal liberty and infringement on the dignity of her person.

That act of locking her out of her matrimonial home within the short period of being out with the Respondent's permission is not dignifying at all. That the act was also degrading and she was subjected to mental torture and psychological inhuman degrading treatment contrary to provision of S. 34 (1) (a) 1999 Constitution and Art 5 African Charter on Human and People's Right. That by the action of the Respondent on the 15<sup>th</sup> day of June, 2018 all the ingredients of offence of torture, inhuman and degrading treatment has been displayed to warrant the grant of the reliefs sought. They urged Court to so hold.

**On Issue No. 2** the Applicant submitted that Respondent has used the permission for Applicant to watch the football match as premeditated action. That EXH A sent by Respondent a few days after the ordeal of the 15<sup>th</sup> day of June, 2018 has exposed the ulterior wicked motive of the Respondent towards the Applicant. That the action of the Respondent on the 15<sup>th</sup> day of June, 2018 has nothing to do with the

football match. That the EXH A exposed, an already set out plan by the Respondent to get rid of the Applicant and humiliate her. He urged the Court to so hold.

**On Issue No. 3** he submitted that the action of the Respondent cannot find support or justification under any law, the Court should condemn and sanction it. He urged Court to grant the Reliefs as sought.

### **COURT:**

As already stated that the Ruling on the Preliminary Objection is part of this Judgement.

It is imperative to state that once a Court is faced with issue of challenge of violation of enforcement of a person's right, the Court halts and considers all the facts stated in the Affidavit in support of the application to determine if there is actually the action of the Respondent that tantamount to an abuse or violation of the Applicant's Fundamental Right.

In this case the Applicant had in very great details in the 84 paragraphs Affidavit in support of this application state the gory treatment meted out to her by the Respondent on the 15<sup>th</sup> day of June, 2018. She stated that she is legally married to the Respondent since 2013 and had two (2) Children 4 & 6 years respectively. From all indication these Children are still toddlers given their ages and there is no point belabouring the fact that these Children still need the care and attention of the Applicant at this stage of their live.

The Applicant had gone out with permission of the Respondent to go out to the pub which is short distance from their matrimonial home on the 15<sup>th</sup> day of June, 2018 to watch the World Cup football match. To come home to her shock and chagrin, she realised that she has been locked out of the house. Notwithstanding all her entreaties, the Respondent refused to allow her in. There is no doubt that the action of the Respondent was premeditated and carefully planned and neatly executed to shock and humiliate and dehumanize the Applicant.

One can imagine how the unsuspecting Applicant must have felt to realise that it was all over and she is denied access to the house she left a few hours earlier. Again it is also important to picture how she would have been frantically be knocking at the door pleading with the Respondent to open the door for her but all fell to the deaf ears and hardened heart of the Respondent. The embarrassment the Applicant must have suffered before her neighbours some of who would have either been peeping from their flats and others who had come out to watch as the Applicant continue to plead for mercy from the man who came to pip in her in the bud, married her at 23, turning her from cradle to motherhood only to use her as baby manufacturing or baby-making machine to give him Children at his old age, who he want to keep him company at his old age of about (68 years) now.

There is no doubt that the act of the Respondent in locking the door against the Applicant and denying her access into their matrimonial home on the 15<sup>th</sup> day of June, 2018 was a violation of her right to liberty of access to the said matrimonial home and a violation of the dignity of her human person.



If the said action of the Respondent is not an infringement of the Applicant's right to the dignity of her person and personal liberty, can anyone tell me what that is? It is nothing but gross infringement of those rights. Respondent did not deny that in this case.

It is also imperative to state that denial of access into the house also infringed on the Applicant's right to her moveable property for the 28 days she begged to have access to her wearing apparels. She had stated in great details how she begged the Respondent to allow her access to those things. She wore one panty, one bathroom slippers and the same dress for 28 days before she was allowed access to have her belongings back. The Respondent did not deny this fact. He did not file any Counter Affidavit most probably because he had nothing to say or he has no facts to counter those facts by Applicant.

The action of the Respondent infringed the Applicant's Right and the Respondent knows that. He is well lettered enough being a Ph.D holder to know that he has no right to do so.

It is really shocking and the height of heartlessness and wickedness from the Respondent, a well educated, well travelled and vastly experience and exposed, having worked and retired as a senior staff of Ministry of Foreign Affairs to dehumanize and humiliate a "toddler wife" of his in such a manner and way he did on that fateful nightmarish day – the 15<sup>th</sup> day of June, 2018. That action is not only violation of liberty, it is also violation and temporal denial of Applicant's right to own moveable property and violation of Applicant's right dignity of her human person.

Again, it is important to note that violation of a person's right is not only done when the victim is bleeding from head and nostril. Once one

is psychologically traumatized or dehumanized and humiliated especially by the person from whom the victim least expected such action, it is held to be an action capable of infringement or actually infringed the person's right.

**That brings the Court to the issue of denial of access to the Children of the marriage.**

This Court does not believe and has not accepted the submission of the Respondent Counsel that issue of denial of access to the Children does not fall within what the Court can decide on or covered under CAP 4 and FREP Rules 2009. The issue is not on whether the denial of access is an infringement of the right of the applicant. The issue is whether the effect of that action of denial has in any way infringed on the right of the Applicant.

It is the considered view of this Court that the action of denying access to the Children is an infringement of the Applicant's Right because it is very clear that she suffered traumatic psychological humiliation and mental torture, personal liberty and right to dignity of her human person when she was denied access to the Children. That mental torture and psychological humiliation are an infringement on the dignity of her person. The liberty she had by God to nurse her Children in their infancy was abruptly denied. To worsen the situation, she could not be informed on the whereabouts of the 2 toddlers she left a few hours earlier before she was locked out of her matrimonial home by the Respondent on the said day.

Meanwhile she was and I guess still married at least traditionally to the Respondent, yet "she was dropped like a hot iron" on the said day.

The fact that when eventually she was allowed to come to pick her tooth brush etc, she realised and discovered to her shock that her lovely kids were no longer in the house she left them and the Respondent callously refused to let know about their whereabouts even when she pleaded to know. Causing anyone to suffer psychological trauma and mental torture is an abuse of the person's right. The Respondent and his Counsel know that. That action is contrary to the Section of the Constitution – CAP 4 that prohibits torture of any Nigerian. The action of the Respondent in that regard is torture. It is important to point out that all the days the Applicant was denied the right to see her Children must have been torturous and she must have had sleepless nights all those days.

It is heartbreaking more so that this action was dished out on the Applicant by her husband a person very educated at that and, a person who ought to have known and should have acted legally if he had decide to divorce and the marriage to the Applicant. It is the view of this Court that such action by the Respondent infringed on the right of the Applicant for the period it lasted. He had no right to do so without an Order of Court of competent jurisdiction. The action infringed on the Applicant's right because of the mental torture.

The Applicant had narrated to the Court in the 84 paragraphs Affidavit in support how she was eventually allowed to pick her belongings after 28 days of hanging around other people's home begging for a bed space to sleep, food to eat and stipend to go by. Meanwhile she left to watch the football match on the said day without taking any kobo with her.

Has anyone cast their mind back to think of how the Applicant faired for those long excruciating and nightmarish days before she was allowed to pick her things from her supposed matrimonial home under the close watch of police women, the Respondent and the video cameraman and photographers who all did the job they were paid to do impressively in order to ensure that they were paid.

Engaging these people to monitor and record the Applicant picking he belongings in that house must have been so humiliating, portraying her as if she was a common criminal or a harlot who was being kicked out of her one night stand lover's house after a short live-in. The Applicant by all intent and purposes is still as at the time the lawfully customarily married wife of the Respondent and the mother of his 2 Children who had been dispatched to an unknown place to stay with unknown person. This action by the Respondent is also an infringement on the personal liberty and dignity of the Applicant's human person. It also affected her right to freedom of movement within the said house. So this Court holds.

Worthy of mention is the ordeal of the same 15<sup>th</sup> day of June, 2018 when eventually the Applicant was asked by the Chairman of the Estate Association to find herself a place to pass the night. Yes benevolently the Chairman gave her the money she used to pay for accommodation at the hotel around her matrimonial home. But has anyone cast mind on the humiliating way the Applicant must have felt mentally and psychologically when she accepted that money because she had nowhere to go that night, the only option left for her was to sleep at the stairway in a building of block of flats where a few hours earlier she was the "madam" of the house at SB 5 Flat 16 NNPC Quarters Garki, Abuja FCT where she resides with the Respondent earlier that day.

The mere thought of having nowhere to sleep that night is an infringement on the right of the Applicant. Even knocking frantically at the door to see if the “almighty Respondent” can open the door made her feel humiliated and insulted as well as abandoned. That is an infringement on the dignity of her person. So this Court holds.

The action of the Respondent surely belittled the Applicant in the face of her neighbours and reasonable members of the public. All that actions are infringement of the rights of the Applicant. So this Court also hold.

As I have stated earlier in this Judgement, it is important to point out that the Court in exercise of its discretionary powers has allowed the Respondent to respond on points of law to this application notwithstanding that he did not file any Counter Affidavit to challenge this application. The Court would have based on the abolishment of Demurrer dismissed the Preliminary Objection and go ahead to enter Judgement in favour of the Applicant. But it did not, rather it exercised its right to make orders whether sought or not in the interest of the Respondent.

The Respondent’s response to this application was based on his submission in the Written Address in support of his Preliminary Objection which this Court has just dismissed. I recall that the crux of the Preliminary Objection is that the claim for enforcement of fundamental right is not the main claim but ancillary. This Court has held and still holds that the claim on Enforcement of FREP Right is the main claim not ancillary.

The Respondent had also through his Counsel submitted that the matter is domestic issue which is supposed to and ought to be raised in

a Matrimonial Cause Action and not under FREP Rules. That such cause cannot come under FREP. He cited in support the case of:

**Uchechi Nwachukwu V. Henry Nwachukwu  
(2013) LPELR SC 601**

where the Court held that domestic violence matters cannot come under FREP. She also cited the case of:

**WAEC V. Adeyanju (Supra)**

That the Affidavit in support does not support the grant of the law claims under CAP 4 of the 1999 Constitution as amended and FREP Rules 2009. He urged Court to dismiss the Suit.

It is imperative to refresh the mind of the Respondent and her Counsel that in addition to what the Court had said in the Ruling dismissing the Preliminary Objection, this main application is for Court to determine whether the action of the Respondent against the Applicant on the 15<sup>th</sup> day of June, 2018 does or does not violate this FREP Rights of the Applicant.

This Court has severally stated and held that the action of the Respondent against the Applicant grossly violated the Right of the Applicant under the FREP and CAP 4 of the 1999 Constitution as amended.

It will be important and in the interest of justice to analyse the sole Exhibit which the Applicant attached to support her claim.

The said document EXH A further confirmed that the Respondent actually kicked the Applicant out of the house. The Court would not have deterred unto the said document but since it was not challenged

by the Respondent even when Court gave him right and audience to respond to the claim of the Applicant.

A look at the document shows that the Respondent was now trying to shift blame his action on his Children from the dead woman. Meanwhile it was the same Children that the Applicant ran to when the man unashamedly pushed her out of the matrimonial home on the 15<sup>th</sup> day of June, 2018. The question of telling the Applicant that some people are bent on making her to run mad is only a trick to make it look as if he is not responsible for that. Meanwhile the psychological and mental torture which the Applicant has suffered because of Respondent's action is big enough to make the Applicant mad.

If actually the Respondent meant what he said in the said documents by the suggestion for the Applicant to stay with Arch. John, why did he not let her know that before kicking her out on the 15<sup>th</sup> day of June, 2018? So also the question of Applicant being remotely controlled is all cover up by Respondent which I strongly believe he was trying to cover his abuse and violation also caused the Respondent. He no doubt knows that the Applicant is vulnerable and naive. If he knows all the spiritual problem in the Applicant's family, why did he not as a husband stand for the Applicant to solve the so called problem which he stated existed ever before the marriage.

Telling the Applicant to be involved in Christian activities is laughable and deceptively, so what did he do as a Christian to solve the problem? Nothing. He remembered Christianity only after he had bruised the Applicant and grossly violated her right physically and mentally.

The promise of giving her money is only a devilish ploy to confuse and deceive the Applicant most probably because he was either talking out

guilty conscience or that he knew that he had violated the Applicant's Right and that the Applicant may one day seek redress as she has done in this case.

Talking about Applicant entering deeper into their trap is all bullshit talk. Warning or advising her not to take or do anything out of anger is all deceitful talk and advise.

If actually he will not allow the Applicant to suffer, why push her out of her matrimonial home in the way and manner he did on the 15<sup>th</sup> day of June, 2018? The simple answer is that he was only been sarcastic and mocking the Applicant and of course rejoicing that he had smoothly gotten rid of her as planned. All those are pretence to deceive her the more.

Stating that his older Children never liked the Applicant and had ever wanted her out of the house is most unfortunate statement to come from a man of the Respondent calibre and age. If he is set to handle the heat, why has he not asked the Applicant to come back to the house after all these months even before she filed the present application?

The simple answer from all of the above is that Respondent carefully planned and executed the exit of the Applicant and that the action of the Respondent on the 15<sup>th</sup> day of June, 2018 grossly violated the personal liberty of the Applicant and also violated the right of the dignity of her person. **The Applicant has established that the Respondent – Dr. Philip Obande grossly violated her Rights. There is no point belabouring that fact.**

It is the clear provision of S. 46 of the 1999 Constitution as amended that once a person has been able to establish that his/her right has



been, is been and likely to be infringed, the person is entitled to compensation. The extent of the compensation depends on the circumstance the case. The person is also entitled to apology.

There is no doubt that the Applicant have clearly established that the Respondent had violated her right by his action on the 15<sup>th</sup> day of June, 2018. She is entitled to compensation. She has in the claims asked for a damage compensation of Twenty Five Million Naira (~~₦~~25, 000,000.00) only. It is left for the Court to determine the quantum of compensation after due consideration of the extent and magnitude of the violation.

After all these, this Court holds that the Respondent – Dr. Philip Obande grossly violated the extant Rights of the Applicant – Gloria Obande and that the Applicant is entitled to compensation as provided by the Constitution.

*This application is very meritorious. This Court therefore grants the claims to wit:*

- 1.Claim No. 1, 2 & 3 are granted exactly as prayed.**
  
- 2.The Respondent – Dr. Philip Obande is hereby ordered to pay to the Applicant the sum of Ten Million Naira (N10, 000,000.00) only as compensation for violating her right – humiliating and the inhuman and degrading treatment meted to the Applicant his lawfully**

married wife on the 15<sup>th</sup> day of June, 2018  
without further delay.

**This is the Judgement of this Court.**

**Delivered today the \_\_\_\_\_ day of \_\_\_\_\_ 2020 by  
me.**

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**K.N. OGBONNAYA**

HON. JUDGE