IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP: HON. JUSTICE Y. HALILU

COURT CLERKS : JANET O. ODAH & ORS

COURT NUMBER : HIGH COURT NO. 14

CASE NUMBER : SUIT NO: CV/2989/2021

DATE: :WEDNESDAY 13TH DECEMBER, 2023

BETWEEN:

1. P.H. KYELEK AND CO LELE CHAMBERS
2. BARRISTER POCHEN HARUNA KYELEK } **APPLICANTS**

AND

ACCESS BANK PLC. …………… RESPONDENT

JUDGMENT

In the matter of an application by P.H. Kyelek and Co. LELE Chambers and Barrister Pochen Haruna Kyelek for an Order for the enforcement of his Fundamental Right.

The Applicants is praying the Court for the following Orders;

1. A Declaration that the freezing and/or placing any form of restriction on the Bank account No. 0055354049 of the 1st Applicant by the Respondent on the 1st October, 2021 and/or on the instruction of whosoever without an Order of a Court of competent jurisdiction is unconstitutional, arbitrary, illegal, unlawful and a violation of the Applicant's Fundamental Right to own property as guaranteed under

Section 44 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

2. A Declaration of the Honourable Court that freezing and/or placing any form of restriction on the Bank Account No. 0055354049 of the 1st Applicant domiciled with the Respondent for over a period of time till date without informing the Applicant the reason thereof and/or a hearing from him is wrongful or unconstitutional, null and void. It violates the Applicant's Fundamental Right to fair hearing guaranteed under Section 36 of the 1999 Constitution (as amended).

3. An Order of Court directing the Respondent to release/lift forthwith the restriction placed on the 1st Applicant's bank account number

0055354049, account number: P.H KYELEK AND CO. LELE CHAMBERS, with the Respondent.

4. An Order of Court mandating the 1st Respondent to pay to the Applicant the sum of **N10,000,000.00 (Ten Million Naira)** for the unlawful freezing and/or placing of restriction on the bank account of the 1st Applicant domiciled in its bank.

5. And for such Order or other Orders this Honourable Court may deem fit to make in the circumstance.

Grounds for seeking the Reliefs are as follows;

1. The Respondent, without an Order of Court from a Court of competent jurisdiction lacks the competence to place restriction or freeze the

Applicant's account domiciled with the Respondent.

2. The embargo placed on the Applicant's account was without notice to him and several weeks after the embargo, no reason was advanced as to what warranted the embargo in spite of repeated inquiries, which is wrongful.

3. No just cause exists, and till date, none has been disclosed. The Applicants have not been able to operate the said account.

4. The Respondents have no jurisdiction whatsoever in freezing the Applicant's account causing them untold hardship.

The application is supported by a 20 paragraph affidavit deposed to by Pochen Haruna Kyelek, 2nd Applicant in this suit.

It is the deposition of the Applicants, that the Applicants opened an account with the Respondent at its office at Zone 4, Abuja and became a customer of the Bank with account No. 0055354049, titled **"P. H. Kyelek and CO LELE Chambers"** domiciled with the Respondent. He is the signatory to the account.

That on or about the 1st day of October, 2021, the Applicants, while attempting to access and make payments from the aforesaid account via the Respondent's mobile application platform known as **"Access More",** were unable to do so and received an error message indicating that the account cannot be accessed. A copy of the error message which was screen shot by his blackberry key one (phone) and printed is attached hereto and marked as Exhibit "A".

That upon the aforesaid discovery, he initiated and sent an email to the Respondent's contact centre informing them about the restriction placed. A copy of the email sent to the Respondent which he then loaded from his phone and printed out is attached and marked as Exhibit "B".

That in response to the aforesaid mail, the Respondent sent an email to him thanking him for reaching out. The email did not address or inform him about what necessitated the restriction. A copy of the Respondent's response which he downloaded is attached hereto and marked as Exhibit "C".

That subsequently, he placed a call to the Respondent through its customer care on phone no. 07003000000 which was answered with a promise to

look into what happened and supply him with a feedback.

That on the 7th October, 2021, he initiated and sent yet another email requesting the lifting of the restriction. A copy of the email sent to the Respondent was done loaded and printed out, same is attached hereto and marked as Exhibit "D".

That in response to his email, the Respondent, sent an email to him again thanking him for reaching out without addressing or informing him about the reason for the restriction. A copy of the Respondent's response which he downloaded is attached hereto and marked as Exhibit "E".

That again he sent an email to Faith.Nwankwo@ACCESSBANKPLC.com a staff of the Respondent regarding the aforesaid issue, yet

to no avail as no reason regarding the placing of restrictions on the account whatsoever was disclosed or sent to him. A copy of the email sent was down loaded and printed out, same attached here and marked as Exhibit “F”.

That on the 14th October, 2021, he received an email from the Respondent acknowledging the receipt of his email and it indeed promised to investigate and supply him with feedback. A copy of the email received was down loaded and printed out, same attached hereto and marked as Exhibit “G”.

That the Respondent delivered to him the statement of account from 1st October, 2021 to 31st October, 2021. A copy whereof is downloaded, printed out and attached hereto and marked as Exhibit “H”.

That till date he has not been informed of the reason necessitating the placing of the account on restriction by the Respondent in spite of the email correspondences and call place to the Respondent's customer care.

That the account is still under restrictions placed by the Respondent which denies him access to same.

That to the best of his knowledge, the 1st Applicant and himself did not commit any offence known to law to warrant placing the account on restriction.

That the Respondent did not inform him before placing the account under restriction and thereafter or whether the account was under investigation or have committed any offence known to law.

That to best of his belief, the restriction placed on the account by the Respondent was d

one or carried out without an Order of a competent Court to that effect.

That the Applicants have suffered untold hardships inconvenience, embarrassment arising from the freezing of the account.

That unless ordered by the Court to lift the restriction by this Honourable Court, the Respondent will continue to maintain the restriction placed on the account.

That the Applicants are entitled to damages as a result of the conducts of the Respondent.

In line with procedure, written address was filed wherein two (2) issues were formulated for determination to-wit;

1. ***Whether having regards to the facts and circumstance of this case, the Applicants' right to access and use their money (property) is not curtailed by the actions of the Respondent.***

2. ***Whether in the circumstance of this case, the Applicants are not entitled to damages.***

On issue 1, learned counsel submits, that the right to property both immovable and moveable is one of the rights that is Fundamental and enshrined in the Constitution. The right is so basic and fundamental. ***ADOGU VS. A.G FEDERATION (2000) 2 HRLRA, 82, @ 102*** was cited.

It is the submission of learned counsel, that Section 44 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) is one of such guaranteed rights and it provides in no mistaken terms that

nobody can be deprived of the use of his/her property without due process of law.

SALEH VS. MONGUNO & ORS (2006) LPELR – 2992 (SC) was cited.

Learned counsel further submits, that even if the Applicants were alleged to have committed a criminal offence or any wrong, the Respondent lacks the competence to place any form of restriction on the Applicants' accounts in the bank without an Order of Court. The law allows the Law Enforcement Agents to come to Court even with an ex-parte application to obtain an Order freezing the account of any suspect or offender that has lodgments suspected to be proceeds of crime. No law imposes a unilateral power on the Police or any

other body to deal with the Applicants by directing the placement of restriction on their account.

Learned counsel also submits, that from the affidavit evidence, there is no reason or ground that exist to warrant the placing of restriction on the account. There is no justification for the action of the Respondent.

Counsel submits, that an individual whose human rights have been invaded by another private individuals can maintain Fundamental Right action against the individual perpetrator in the same way as he could maintain an action against the State or Authority for similar infraction.

On issue 2, learned counsel submits, that where the act of the Respondent is held to be wrongful, illegal, unlawful and unconstitutional or where any

provisions of Chapter IV is held to be violated in relation to a person, he is entitled to an award of compensatory damages for the infringement of his Fundamental Rights guaranteed under the Constitution.

MINISTER OF INTERNAL AFFAIRS VS. SHUGABA (1982)3 NCLR 915 at 953 was cited.

It is the submission of learned counsel, that the Applicant having demonstrated that their Fundamental Right to property, access and use of same have been infringed upon, they are entitled to damages. The sum being claim against the Respondent is modest and proper having regards to the duration of the restriction/facts of the case. This Honourable Court is urged to resolve the issue in favour of the Applicants.

On their part, Respondent filed 9 paragraph counter affidavit in opposition to the Applicants' application. The counter affidavit is deposed to by Faruk Idiaro, a Compliance Officer, staff of the Respondent.

It is the deposition of the Respondent, that contrary to paragraph 3 of the Applicants' affidavit, the word Error contained in Exhibit "A" attached to the Affidavit of the Applicants did not say that the account was restricted as the word error is not the same as restricted.

That with regards to the said paragraph 3, the word error could probably be as a result of failure of the Applicants' network carrier, a wrong imputation of password, PIN, etc. made by the Applicants while trying to access the said account.

That Exhibits “B – G” did not state that the said account was placed on a restriction.

That if the said account was restricted the Applicants would not have been issued Exhibit “H” the statement of account.

That the Applicants have not placed any evidence of cheque leaf, withdrawal slip or anything whatsoever to convince the Court that they put in a withdrawal request in the said account and same was refused or minuted upon, that the account was placed on any form of restriction.

That contrary to paragraphs 3, 12, 13, 15, 16 and 18 of the Applicants’ Affidavit, the said account of the Applicants is not under any form of restriction.

That furthermore and with specific reference to paragraph 3 of the Affidavit of the Applicants

wherein the Applicants stated that the said account was placed on a restriction by the Respondent on the 1st October, 2021 (which give rise to Exhibit “A”), Exhibit “H” (the statement of account) attached by the Applicants to their Affidavit shows that the Applicants carried out transactions on the said 1st October, 2021 wherein they purchased MTN Airtime of N1,000 and equally credited the said account with N4,500 and N5,000 respectively on that same day.

That if the account was placed on restriction, the Applicants would not have been able to carry out those transactions.

That the Respondent is not in the position to admit or deny paragraphs 6, 9, 14 and 17 of the Applicants’ Affidavit as they are facts within the

Applicants' personal knowledge and challenges them to the strict proof of same.

That the Respondent denies paragraph 19 of the Applicants' Affidavit and states that the Respondent has not done anything wrong to warrant the award of damages against it.

In line with procedure, written address was filed wherein two (2) issues were formulated for determination to-wit;

1. ***Whether or not the Court can entertain the case of the Applicants under Fundamental Rights Enforcement Procedure Rules?***

2. ***Assuming but not conceding the Court can, whether or not the Applicants have placed sufficient materials to prove their case?***

On issue 1, learned counsel submits, that the unassailable principle of law with regard to an application brought by a party for the Enforcement of Fundamental Right as enshrined in Chapter IV of the 1999 Constitution (as amended) is that the Principal Claim/Relief must be one that bothers on the Enforcement of Fundamental Right but where such a relief/claim is ancillary, the Court must decline jurisdiction and to assist the Court arrive at this, our Superior Courts have held that it is usually from the reliefs claimed, the grounds for the reliefs and the supporting affidavit that the Court can decipher this. ***DILLY VS. IGP & ORS (2016) LPELR – 41452 (CA) (Pp. 24 – 25 Paragraph E)*** was cited.

On issue 2, learned counsel submits, that the inability of the Applicants to present any credible

evidence before the Court that the Respondent placed the said account under any form of restriction, cast a huge shadow of doubt. And the failure to clear this shadow of doubt by no means has left the Respondent off the hook of whatever claims the Applicants might have against it. ***FAJEMIROKUN VS. C.B (C.I) NIGERIA LTD. (2002) 10 NWLR (Part 774) 95) Ratio 4, Page 110; Paragraphs F – G, 112, Paragraphs E – F*** was cited.

It is the submission of learned counsel, that all the exhibits relied upon by the Applicants cannot pass through the eye of the law as they offend Section 84 of the Evidence Act, 2004 being electronic documents and unaccompanied with certificate of compliance and counsel urge the Court to discountenance them as having no evidential value.

DAVOU VS. C.O.P PLATEAU STATE COMMAND (2019) LPELR – 47040(CA) (Pp. 14 – 16 Paragraphs D – D) was cited.

Learned counsel concludes by urging the Court to discountenance the case of the Applicant by dismissing same with substantial cost a same is frivolous, gold-digging and a waste of the judicial and judicious time of the Court.

On their part, Applicants filed 11 paragraph further affidavit (deposed to by Pochen Haruna Kyelek, Esq.) in support of application for Enforcement of a Fundamental Right.

It is the deposition of the Applicants, that the depositions contained in the Respondent's counter affidavit are false, misleading and do not represent the correct facts of the matter.

That paragraphs3(c), (d), (e), (f), (g), (h), (i) and (j) are false and misleading.

That the Respondent clearly denied the Applicants access to their account and requested the Applicants to contact it for assistance.

That error message relating to network carrier always reads “network error” or indicate it was network related issue while wrong imputation of password or pin always indicate “pin error” or “pass word error” in order to know the exact problem in issue.

That the complaints and email correspondence sent to the Respondent raised the issue of restriction of the Applicants’ Account.

That the Respondent acknowledged the receipt of some of the Applicants’ emails but never disclosed

the reason for the denial of access or the restriction placed on the account till date.

That Exhibit "H" attached to the affidavit in support was the statement of account of the Month of October, 2021 issued after the expiration of October, 2021 while the restriction or denial of access to the account occurred on 1st October, 2021.

That the denial of access to the account by the Respondent occurred around 6:28pm. The transactions stated in paragraph 3(i) all occurred prior to the denial of access to the account.

Applicants filed reply on point of law to the Respondent's written address.

Learned counsel contends, that the legal effect is that these paragraphs are not legally valid. Therefore whenever depositions, paragraphs of an affidavit

raise legal arguments, prayers, objections and conclusions and inferences contrary to the provisions of the Evidence Act, such depositions will be struck out. ***MILITARY GOVERNOR, LAGOS STATE VS. OJUKWU (2001) ALL FWLR (Pt. 50) 1779.***

Learned counsel submits, that the claim of the Applicants does not raise fundamental right issue. What is required is for the Court to examine the reliefs sought and the affidavit in support to ascertain whether a breach of fundamental right has occurred or is the main claim.

It is the submission of learned counsel that by the hallowed principle of stare decisis, this Honourable Court is bound by the decision of ***GT BANK PLC. VS. ADEDAMOLA (2019)5 NWLR (Pt. 1664) 30.***

Learned counsel further submits, that on the issue of lack of evidence to show that the Respondent restricted the account of the Applicants, counsel submits, that the Exhibits attached to the affidavit in support of the application, on the preponderance of evidence undoubtedly shows that the account was restricted. Exhibit "A" which is the error message indicated that the Applicants' "account(s) cannot be assessed at this time. Please contact us for assistance on 2341 – 2712005 or 2341 – 2902500". Exhibit "B" dated 1st October, 2021 was delivered to the Respondent's Customers' Centre complaining about the error message. Exhibit "C", shows that the Respondent acknowledged the receipt of Exhibit "B" but did not disclose what necessitated the lack of or denial of access to the account. Exhibit "D" dated 7th October, 2021, the restriction was not lifted and the

Applicants sought to know the reason. In Exhibit "E", the Respondent now reacted to the said Exhibit "D" by stating thus:- ***"we are working on your request and one will get back to you within 24 hours..".*** In Exhibit "F", the Applicants' complaints against the restriction and non-disclosure of the circumstances warranting the restriction. Then on 14th October, 2021, the Respondent again indicated that the complaint of the Applicant was being investigated. No reason was advanced for the restriction placed on the account or denial of access till date.

Upon the restrictions or alleged restrictions placed on the account of the Applicants, the Applicants wrote the aforesaid Exhibits to the Respondent which were duly received. The present suit was filed on 10th November, 2021 a period of over 5 weeks

from the dates of the receipts of the said the Exhibits by the Respondent placing restrictions on the account.

It is the submission of learned counsel, that not all document produced by a computer must necessarily be treated as computer-generated to call for the application of Section 84 of the Evidence Act. Section 84 is inapplicable to a simple document produced by a computer when such a computer is merely used as a tool such as a typewriter to produce the document. Accordingly, documents attached to the affidavit produced directly from the computer of the Deponents, are admissible in evidence, notwithstanding the allegation of non-compliance with the provisions of Section 8 of the Evidence Act, 2011. ***A.G OF THE FEDERATION VS. ANUEBUNWA (2022) LPELR – 57750*** was cited.

Counsel concludes by urging this Honourable Court to grant the reliefs sought in the Originating Motion.

COURT:-

It is well settled that Declaratory Reliefs are not granted as a matter of course but on evidence that is grounded.

It is similarly not granted upon admission or lack of evidence on the part of the adversary. See ***MODIBBO VS. YARO & ORS (2019) LPELR – 47790 (CA).***

Reliefs 1 and 2 claimed by the 2nd Applicant is declaratory in nature thereby by predicating the success of the other reliefs on there success.

I have read carefully the affidavit and grounds in support of the application of the 2nd Applicant for

the enforcement of his Fundamental Rights, under the Fundamental Human Rights Enforcement Rules 2009, as amended. Permit me to dwell abit on the history of Human Rights.

Fundamental Rights have been said to be premodial.. some say it is natural or God given Rights.. Text books writers like the renowned Professor Ben Nwabueze (SAN) have opined that these rights are already possessed and enjoyed by individuals and that the "Bills of Rights" as we know them today ***"created no right de-novo but declared and preserved already existing rights, which they extended against the legislature".***

It is instructive to note that magna carta 1215 otherwise called "Great charter" came to being as a result of the conflict between the king and the

barons, and petition of rights 1628 which is said to embody sir Edward Coke's concept of "due process of law" was also a product of similar conflicts and dissensions between the king and parliament.. nor was the Bill of Rights 1689 handed down on a "platter of Gold".. that bill drawn by a young barrister John Somers in the form of declaration of right, and assented to by king Williams secured interalia for the English People, freedom of religion, and for judges, their independence.

England has no written consitution with or without entrenched human Rights provisions however, the three bills of rights alluded to earlier, formed the bed rock of the freedom and democratic values with which that country has to this day been associated..

Above underscores the significance of Human Rights, generally.

Nigeria did not have to fight war to gain independence from the British.. it was proclaimed that our independecne was given to us on a "platter of gold."

What the minority groups demanded was the right to self – determination which they believed could offer them an escape route from the "tyranny" of the majority ethnic groups in the regions.

The commission that investigated their fears went out of its way to recommend the entrenchment of Fundamental Human Right in the Constitution as a palliative, as a safeguard and as a check against alleged "oppressive conduct" by majority ethnic groups.

Where the main claim is not the enforcement or securing the enforcement of a Fundamental Right, the jurisdiction of the court would not be properly exercised.

It is instructive to note that Reliefs 1 and 2 claimed by the 1st Applicant are declaratory in nature, and the law with respect to declaratory relief is clear. Such reliefs shall succeed on the evidence adduced and not on admission or lack of defence.

See ***AGBAJE VS FASHOLA & ORS (2008) 6 NWLR (Pt. 1082).***

I need mention, here, that the definition of Banker/ Customer becomes necessary for proper grasp of the issue.

Firstly, in ***D STEPHENS INDUSTRIES LTD VS. BANK OF CREDIT AND COMMERCE (NIG)***

LTD (1999) 7 SC (Pt. III) 27 on (1999) 11 NWLR (Pt. 625) 29. The Apex Court held that:-

> *The relationship of banker and customer depends basically on the ordinary principles of contract and it could, at least in theory, be brought to an end in any of the ways a contract may be determined.*

In ***ALLIED BANK (NIG) VS. AKUBUEZE (1997) 6 NWLR (Pt. 509)*** also reported in ***(1997) LPERL (429) SC*** the Supreme Court at page 28 held that:-

When a banker credits the current account of its customer with some money, the banker becomes a debtor to the customer in that sum. Conversely, when a banker debits the current account of its customer with a certain sum, the customer becomes a debtor to the bank in that sum. Whichever party is

a creditor is entitled to sue the other, if demand for payment was made, but not honoured.

In the case of ***INTERGRATED TIMBER AND PLYWOOD PRODUCTS LTD VS. UNION BANK OF NIGERIA PLC (2006) 12 NWLR (Pt. 995) 483,*** it was held that where even a bank interested in earning interest deposits money in another bank as a customer in that case, if a dispute arises from such transaction a banker/customer relationship is established.

The legal summation here is that the relationship of a bank customer and a bank is contractual in nature whereby a customer who deposits money with a bank is the creditor and is a vice versa where the bank lends money to a customer. ***Per OSEJI, J.C.A. Pages 34-35 Paragraphs C-E.***

I shall now beam my searchlight on the application to ascertain whether a case of violation of Fundamental Right is established.

Be it known that it is the constitutional duty of court to develop the common law, and to so do that within the matrix of the objective and normative value suggest by the constitution and with due regard to the spirit, purport and object of the bill of rights.

In the instant case, the Respondent contended that the inability of the 2nd Applicant to present any credible evidence before the Court that the Respondent placed the said account under any form of restriction, cast a huge shadow of doubt. And the failure to clear this shadow of doubt by no means has left the Respondent off the hook of whatever claims the 2nd Applicant might have against it. The

word ‘Error’ contained in Exhibit “A” attached to the Affidavit of the 2nd Applicant did not say that the account was restricted as the word ‘error’ is not the same as restricted. It could probably be as a result of failure of the 2nd Applicant’s network carrier, a wrong imputation of password, PIN, etc. made by the 2nd Applicant while trying to access the said account. Thus, the said account of the 2nd Applicant is not under any form of restriction.

On the other hand, the 2nd Applicant maintained that the Respondent violated his Fundamental Right to own property as guaranteed under Section 44 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) by freezing and/or placing restriction on the account domiciled with the respondent with No. **0055354049** on the 1st October, 2021 without an Order of a Court of competent jurisdiction.

The 2nd Applicant insists that till date he has not been informed of the reason necessitating the placing of the account on restriction by the Respondent in spite of the email correspondences and call placed to the Respondent's customer care. The account is still under restrictions placed by the Respondent which denies him access to same. The Respondent did not inform the 2nd Applicant before placing the account under restriction and thereafter or whether the account was under investigation of have committed any offence known to law.

Where a bank holds itself to be professionally competent and skilled to carry out certain obligations involved in a transaction, if it shirks from that responsibility, it is negligent prima facie in that it owed the customer a duty of care which it shirked.

NEKA VS.ACB (2004) 3 MJSC 118 (Pt. 152).

The 2nd Applicant, while attempting to access and make payments from the aforesaid account via the Respondent's mobile application platform known as **"Access More",** were unable to do so and received an error message indicating that the account cannot be accessed.

Certainly speaking, it is the responsibility of the Respondent being the bank to offer some sort of explanation as to why their bank application is unable to function properly thereby refusing access to a customer.

Indeed, the 2nd Applicant made efforts to settle the issue amicably by putting forward complaints about the purported restriction placed via email and phone call to the Respondent, but all proved to be an

exercise in futility as no credible explanation and reason for the restriction was tendered.

The Court in the evaluation of the evidence on violation of Fundamental Rights is bound to evaluate and consider the totality of the evidence led by each party. The Court should therein place it on the imaginary scale of justice to see which side of the two weighs more credible than the other.

The scale of justice though imaginary is still the scale of justice; and the scale of truth. Such a scale will automatically repel and expel any and all false evidence. What ought to go into that imaginary scale should therefore be no other than credible evidence. What is therefore necessary in deciding what goes into the imaginary scale is the value, credibility and

quality as well as the probative essence of the evidence.

See ***ONWUKA VS. EDIALA (1989)1 NWLR (Pt. 96) 183 at 208 – 209.***

For emphasis, the liberty to make any accusation is circumscribed both by the right to make it, the duty not to injure another by the accusation and the right of any appropriate redress in the court.

AKILU VS FAWEHINMI (No. 2) (1989) (Pt. 102) 122

A party who complains of a breach of his Fundamental Rights, must commence the form of action prescribed by the constitution specifically seeking the constitutionally provided remedy.

ABIA STATE UNIVERSITY VS. ANYAIBE (1996) 3 NWLR (Pt. 439) 646 at 660 Paragraph c.

Even though 2nd Applicant made several averments in the supporting affidavit in support of the application, he has failed to convince the court that he is entitled to any of the sought reliefs.

From what has played out, the 2nd Applicant has not been able to prove how his fundamental right was breached. There is no issue here worthy of any judicial intervention by way of any order as contemplated by the 2nd Applicant.

The primary relief is declaratory in nature. The affidavit evidence of the Respondent is more superior and very convincing.

Consequently, I shall refuse this application because it is most unmeritorious.

On the whole therefore, suit **No. FCT/HC/CV/ 2989/2021** is hereby dismissed.

Justice Y. Halilu
Hon. Judge
13th December, 2023

APPEARANCES

Bala Yakubu, Esq. – for Applicants.

C.J. Akunnakwe, Esq. – for the Respondent.