

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT GWAGWALADA- ABUJA**

**DATED THURSDAY 30<sup>TH</sup> DAY OF MAY, 2024**

**BEFORE HIS LORDSHIP: HON. JUSTICE ALIYU YUNUSA SHAFI**

**SUIT NO: FCT/HC/CV/7271/2023**

**BETWEEN:**

**NWODO FRANCIS IFESINACHI ESQ.....APPLICANT**

**AND**

- 1. ACCESS BANK PLC**
- 2. TAJBANK LIMITED**
- 3. BAYSCOMENERGY LTD..... RESPONDENTS**
- 4. USMAN IBRAHIM BELLO (AKA)BABA**

**JUDGMENT**

This is an originating motion dated 18<sup>th</sup> day of August 2023 for the enforcement of fundamental human rights. The grounds upon which the reliefs are sought are as follows:

Reliefs sought.

- a. A declaration that the actions of the Respondents by debiting and holding the Applicant's money (property) from 21-02-2023 till date and not informing the Applicant of the whereabouts of his money by the 1<sup>st</sup> Respondent after complaining until 6<sup>th</sup> July, 2023 without No**

**Justification in law is illegal and a violation of Applicant Fundamental Right under section 34(1) (a) and 44(1) of the 1999 Africa charter on Human and Peoples Right Cap 10 CFN 1990.**

- b. An order of this Honourable court restraining the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondent Jointly or an severally from further debiting. Holding or continue in possession of the Applicant in possession of the Applicant property (money) subject matter of this suit illegally forthwith.**
- c. An order of this Honourable court directing the Respondent jointly or and severally to transfer the Applicant sum subject matter of this suit. The Applicant savings Account forthwith for safe keeping and allow the Applicant to have free access to his account, the 1<sup>st</sup> Respondent having restricted him from withdrawing from the said account since 4-08-2023 till date.**
- d. An order of this honourable court directing the Respondent to jointly and severally write apology letter to the Applicant and published it in two (2) National Newspaper circulating within the Jurisdiction of this Honourable Court for bringing down the applicant reputation in the eyes of his colleagues and general public and for breaching his Fundamental Right as provided by section 34(1)(a) of the 1999 CFN (as amended)**
- e. An order of this Honourable court directing the Respondent to jointly and or severally pay to the Applicant the sum of N10, 000,000.00 (Ten Million Naira) only as compensation, punitive, exemplary and or general damages for the breach of the Applicant fundamental right.**
- f. Cost of this action of the sum of N1, 000,000.00 (One Million Naira) only to be paid by the Respondent jointly and or severally to the Applicant.**

The grounds upon which this reliefs are sought are as follows:

- a. That the debiting and continuous holding of the Applicant's money (property) by the Respondent since 21-02-2023 and not disclosing where the money is as at the time the Applicant complained to the 1<sup>st</sup> Respondent is illegal, unlawful and a violation of Applicant right to own property and no person shall compulsorily acquire another person's property as provided by section 44(1) of the 1999 CFN (as amended) and section 14 of the Africa Charter on human & people's Rights Cap 10 CFN 1990.**

- b. That by section 46 of the 1999 CFN AS AMENDED) any person who alleges that any provision of chapter of the constitution has been contravened in any state in relations to him may apply to a High Court in that State for redress.**
- c. That an applicant who proves that his fundamental Right has been breached and violated deserves to be compensated by the Respondent who is in breached.**
- d. That the Illegal debit and continuous holding on the Applicant's money (property) without crediting him since 21-02-2023 is not in accordance with any procedure permitted by law and not within the allowed derogation and circumstance under chapter IV of the 1999 (an amended), section 44 (2)(a)-(m) and Africa Charter on Human and Peoples Right Cap 10 CFN 1990.**
- e. That the way the Applicant's colleagues and the general public. Who are aware of the circumstance of this case are seeing the Applicant based on the fact that his reputation was brought down by the act of the Respondent is a breach of the Applicant's Fundamental Right via section 34(1)(a) of KYE1999 CFN (as amended)**

The application is supported by an affidavit, of 19 paragraphs deposed to by one Francis IfenachiNwodo Esq and annexed to the affidavit are exhibits marked exhibit A (the copy of the ATM card, exhibit B. the account Statement showing how she transferred the sum of N10,000.00(Ten thousand Naira only to me on 20/2/2023, Exhibit C, copy of the said complaint result of the 1<sup>st</sup> Respondent, exhibit D, the two (2) copies of the print out from their P.O.S Exhibit E copy of the said transaction or an affidavit of Rebecca Monday Unah of 13 paragraphs and the Applicant written address of 7 pages.

The 1<sup>st</sup> RespondentsfileD a counter affidavit of 7 paragraphs deposed to by OlomotanieEgoro of Access Bank Plc Area 10 Garki-Abuja and a written address of 13 pages, where he formulated three issues/for determination:

- 1. Whether or not this suit discloses a reasonable cause of action against the 1<sup>st</sup> Respondent.**
- 2. Whether or not this court has jurisdiction to entertain the suit in view of the principal claim.**
- 3. Whether or not the applicant has placed sufficient material facts to ground a case of breach of his fundamental right by the 1<sup>st</sup> Respondent.**

The 2<sup>nd</sup> Respondent filed a counter affidavit in opposition to the Applicant's motion on notice of 28 paragraphs, same was deposed to by one Akeem Abubakar of No: 72 Ahmadu Bello way Central Business District Abuja legal officer to the 2<sup>nd</sup> Respondent and annexed exhibit marked TAJ Bank Ltd and a written address of 8 pages where a sole issue was formulated for determination to wit:

**“Whether Applicant has disclosed any wrongdoing on the part of the 2<sup>nd</sup> Respondent to entitle him to any of the reliefs sought against the 2<sup>nd</sup> Respondent.**

And a notice of preliminary objection pursuant to section 6(6)(a)(b) of the CFN 1990(as amended), in order viii of the fundamental Rights enforcement procedure rules 2009 and under the inherent Jurisdiction of this court to strike out and/or dismiss same for being incompetent and for disclosing no reasonable cause of action against the 2<sup>nd</sup> respondent and 6 grounds with a written address of 16 pages wherein he formulated a sole issue for determination to wit:

**Having regard to the State of the law, whether the applicant's originating motion is properly constituted to cloth this Honourable Court with the requisite Jurisdiction to entertain same.**

The 3<sup>rd</sup> & 4<sup>th</sup> Respondent's filed a counter affidavit in opposition to the Applicant's originating motion of 22 paragraphs deposed to by Musa Ibrahim of Plot No 45 T.O.S. Benson Street Utako FCT, Abuja and the 3<sup>rd</sup> & 4<sup>th</sup> Respondent's written address of 3 pages where a sole issue was distilled for determination to wit:

**“Whether the Applicant's Originating/motion discloses any cause of action against the 3<sup>rd</sup> & 4<sup>th</sup> Respondent. On the strength of the material facts and evidence placed before this court.**

I have read the addresses filed and reviewed the submission made by all the parties and from the originating motion/Application before me seeks to enforce a fundamental right pursuant to order 11 rule 1 of the fundamental rights (enforcement procedure) rules 2009 and sections 34(1)(a), 44(1) and 46(1) of the 1999 CFN (as amended) and article 14 of the Africa Charter on Human and People's right Act Cap. 10 LFN and the inherent Jurisdiction of this Honourable court as prescribed by section 6(6) of the 1999 CFN (as amended) it is for this Purpose that I find it pertinent to proffer the meaning of a fundamental right.

## What is A FUNDAMENTAL RIGHT?

FUNDAMENTAL RIGHTS (enforcement Procedure) rules are rules made by the chief Justice of Nigeria, in exercise of his power pursuant to the constitution of the Federal Republic of Nigeria. They are peculiar rules restricted to the enforcement by citizens of his right under chapter IV of the said constitution. See *Fabunmi V C. O. I. Osun State* (2011) 15 NWLR (part. 1269) 19

The fundamental Rights (Enforcement Procedure) Rules are peculiar rules restricted to the enforcement of special rights of citizens under chapter iv of the 1999 CFN (as amended). It is therefore necessary that the rules be strictly followed.

A careful examination of the fundamental Rights (Enforcement Procedure) rules 1979 shows that the law is concerned with the steps to be taken by an applicant applying for the enforcement of his right, and the time frame within which steps were to be taken and the case heard.

By virtue of order 2 rule 1 of the fundamental rights (enforcement procedure) rules, 2009, any person who alleges that any of the fundamental rights provided in the constitution of the FRN 1999 or the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, and to which he is entitled, has been is being or is likely to be infringed, may apply to the court in the State where the infringement occurs or likely to occur for redress. See *Diamond Bank Plc V Opara* (2028)7 NWLR (part 1617) 92SC.

It is also to be noted that, consideration of issues founded on breaches of fundamental right must be handled within the exclusive confines of the fundamental Rights (Enforcement Procedure) rules 2009, which were enacted to correct some perceived wrongs and hardship, especially in the arrears of adherence to undue technicalities and delays in the determination of application, which the fundamental Rights (Enforcement Procedure) Rules 1999, enacted under the constitution of the FRN 1979, caused applicant who sought enforcement of this fundamental Rights. *Erukeme V Mazi* (2015) 17 NWLR (PART 1488) 411.

Now to the Notice of Preliminary objection filed by the 2<sup>nd</sup> Respondent challenging the competence of this suit and urge the court to strike out this suit and/or dismiss this suit of being incompetent and for disclosing no reasonable cause of action against the 2<sup>nd</sup> Respondent.

The ground upon which this objection is brought are as follows:

- 1. The pact of the applicant's grouse as generated from his originating motion is that sometimes on 20/2/2023 he went to refill his gas cylinder at the 3<sup>rd</sup> Respondent office and used his ATM card issued to him by the 1<sup>st</sup> Respondent's to transfer the sum of N10, 000.00 as payment for the gas but that the 3<sup>rd</sup> Respondent did not give him the gas because the 3<sup>rd</sup> Respondent did not receive the payment. After several days the applicant alleged that the 1<sup>st</sup> Respondent (his Bank) informed him that the said N10, 000 was with the 2<sup>nd</sup> Respondent Banker).**
- 2. He further stated that the 4<sup>th</sup> Respondent informed him that the money was in their account with the 2<sup>nd</sup> Respondent and that he had informed the 2<sup>nd</sup> Respondent to reverse the money. The case clearly borders on contract of purchase or cooking gas between the Applicant and the 3<sup>rd</sup> Respondent.**
- 3. The applicant's originating motion does not disclose a challenge to an infraction of any of chapter IV of the CFN 1999 (as amended but to a civil contract transaction).**
- 4. The Applicant does not maintain any account with the 2<sup>nd</sup> Respondent and therefore there is no privity of contract between the Applicant and the 2<sup>nd</sup> Respondent to warrant the joinder of the 2<sup>nd</sup> Respondent in this suit.**
- 5. The Applicant's originating motion as presently constituted is grossly incompetent.**
- 6. The Applicant's originating motion discloses no reasonable cause of action against the 2<sup>nd</sup> Respondent.**
- 7. Attached with a written address where sole issue was distilled for determination to wit:
  - i. Whether the Applicant originating motion is properly constituted to cloth this Honourable Court with the requisite Jurisdiction to entertain same.****

The 2<sup>nd</sup> Respondent counsel in answering the sole issue for determination submitted that items ii & (iii) are applicable to the determination of this preliminary objection considering all the grounds of the objection. Furthermore submitted that the he proper approached for the claim for the enforcement of fundamental right is to examine the reliefs sought, as well as the grounds for such

reliefs, along with the facts relied upon so as to determine whether indeed the claim falls under the fundamental Right enforcement procedure, for the Purpose of ascertaining whether the court has the necessary Jurisdiction to hear and determine the matter breach that head. Where the facts relied upon discloses a breach or threatened breach of the fundamental rights of the applicant as the basis of the claim, then there is a redress through the rules. See EFCC VsHgboeruche (2020) 4 NWL(Part 1713) 144.

Firstly Jurisdiction is the life-blood of any adjudication, without which no proceedings however well conducted by the court, can be valid. It is a threshold matter to be addressed once raised or challenged in any proceedings.

On this the learned counsel to the 2<sup>nd</sup> Respondent submitted that Jurisdiction is very vital and the compliance of a court to adjudicate on matter. It is therefore certain for any court before which the issue of jurisdiction is raised to determine same in in totality. See CBN V Okojie (2019) 14 NWLR(Pt. 1479) 231 at 252.

Furthermore he submitted that it is the applicant's claim that determines the Jurisdiction of the court and it is not the defence that sets the stage of whether or not jurisdiction incurs he submitted further that a court is competent to entertain or hear a matter when

- 1. It is properly constituted as regards numbers and qualification of members of the bench, and no member is unqualified for one reason or another.**
- 2. The subject matter of the case is within its jurisdiction and there is no feature in the case which prevents the court from exercising its Jurisdiction and**
- 3. The case comes before the court initiated by due process of law and upon fulfillment of any condition precedent to the exercise of Jurisdiction. See Petgas Resources Ltd V Mbanefore (2018)1NWLR(pt. 1601) 442.**

The learned counsel to the 2<sup>nd</sup> Respondent submitted that, Items (11) and (111) are applicable to the determination of this preliminary objection, considering all the grounds of the objection, and that the proper approach in the claim for the enforcement of fundamental rights is to examine the reliefs sought as well as the grounds for such reliefs along with the facts relied upon so as to determine whether indeed the claim falls under the fundamental rights enforcement procedure for the

purpose of ascertaining whether the court has the necessary Jurisdiction to hear and determine the under matter breach of the fundamental rights of the Applicant as the basis of the claim then, there is a redress through the rules.

See EFCC VsHgsoeruche (2020) 4 NWLR(PART1713) 144 and page 159-160 paragraph G-A he further referred to section 46(1) of the CFN 1990 (as amended) which provides thus”

**“Any person who alleges that any of the provision of this chapter has been or is being or is likely to be contravened in any state in relation to him may apply to a High Court in that state for redress.**

In like manner, order 11 rule 1 of the Fundamental Enforcement Procedure Rule 2009 provide thus:

**“any person who alleges that any of the fundamental Rights provided for in the constitution or Africa Charter on Human and People’s Right (Ratification and Enforcement) Act and to which he is entitled has been, is being or is likely to be infringed, may apply to the court the State where the Infringement occurs is likely to occur for redress...”**

Based on the above, submitted that, looking at the entire averment in the Application supporting affidavit and statement, can it be said that the applicant’s originating motion is competent to clothe or imbue this Honourable court with the requisite Jurisdiction to entertain with same as it is presently constituted?

Submitted that the answer is emphatic NO on this demonstrated this under the relevant grounds as sub-heads anon.

- 1. That the Applicant’s originating motion discloses a challenge only to a civil contract transaction.**
- 2. That the Applicant’s originating motion disclosed no reasonable cause of action.**

On the first grounds submitted that the applicant’s originating motion does not disclose an infraction or threatened infraction of any provision of chapter 4 of the CFN and/or the African Charter on Human and Peoples Right (Ratification and Enforcement) Act but a civil/contract transaction between the Applicant and the

3<sup>rd</sup> Respondent on this he referred the court to paragraph 5, 8, 9, 10 & 11 of the Applicant's affidavit in support of the originating motion reproduced below:

Paragraph 5-11

- (5) That due to my busy schedule I went to the 3<sup>rd</sup> Respondent gas plant located at Area 3, Garki, Abuja on 21-2-2023 to purchase the gas but unfortunately the 3<sup>rd</sup> and 4<sup>th</sup> Respondent refused to sale gas to me, saying that they did not received any alert of N10, 000.00 (Ten Thousand Naira) only, from my Bank the 1<sup>st</sup> Respondent, after I was being debited.**
- (6) I returned back to the office on that same day 21-2-2023 and also reported the disappointment i got from the Respondent to Rebecca Monday Unah who told me that she will inform her Boss about the incident.**
- (7) The following day being 22-2-2023 I went to the 1<sup>st</sup> Respondent office and I was asked by their staff a customer care relation officer in their branch located at Ministry of Justice Central Area, Here in FCT Abuja to fill a complaint form, of which after filing the form I submitted it and continued following it up.**
- (8) that I have gone to the 1<sup>st</sup> Respondent, 3<sup>rd</sup> Respondent and 4<sup>th</sup> Respondent all most 10 (Ten) different times to follow up and to know where my money is, but to no avail until on 6-7-2023 when I came for a matter at the Federal High Court, FCT Abuja, I entered into the 1<sup>st</sup> Respondent Banking Hall located at the Ministry of Justice, Abuja to fix my mobile app with the 1<sup>st</sup> Respondent, having lost hope about my money, I just reluctantly asked the customer care staff of the 1<sup>st</sup> Respondent to check for me on the complaint I made around February, 2023 which she checked and told me that my complaint has been resolved, the result of the complaint shows that my money N10,000.00 (Thousand Naira) only was actually debited by the 2<sup>nd</sup> Respondent on behalf of their customer the 3<sup>rd</sup> and**

**4<sup>th</sup> Respondent, the copy of the said complaint result of the 1<sup>st</sup> Respondent is hereby attached and marked as exhibit C.**

**(9) That immediately, when I got the information as stated in paragraph 8 above, I went to the 3<sup>rd</sup> Respondent Gas Station and I was lucky to meet the 4<sup>th</sup> Respondent who introduced himself to me, as the manager of the 3<sup>rd</sup> Respondent, I told him my predicaments and he demanded that I should submit the complaint result given to me as mentioned in paragraph 8 and the print out from their P.O.S, the 2 (two)copies of the print out from their POS although not readable again because of long time of carrying it all the time making complaint is hereby attached and marked as exhibit D.**

**(10) That the 4<sup>th</sup> Respondent assured me that he will confirm from the 2<sup>nd</sup> Respondent and get back to me within 48 hours that I should leave the exhibit “C” and “D” for him to make his own inquiry after which I will collect it.**

**(11) That after the 48 hours as promised by the 4<sup>th</sup> Respondent, he called me and told me that the money in issue is with them through their Bank, the 2<sup>nd</sup> Respondent and that he has instructed them to reverse the money back to me.**

He submitted that from the Applicant’s supporting affidavit what exists between the Applicant and the 3<sup>rd</sup> Respondent is a contract relationship that from the affidavit, the Applicant has stipulated that he paid the sum of N10, 000.00 (Ten Thousand Naira) only to 3<sup>rd</sup> Respondent to purchase gas but the gas was not given him because the 3<sup>rd</sup> Respondent claimed it did not receive the payment. The Applicant further reveals that 3<sup>rd</sup> Respondent maintains account with the 2<sup>nd</sup> Respondent and that he was informed by the 4<sup>th</sup> Respondent, their Banker, and that the 4<sup>th</sup> Respondent instructed the 2<sup>nd</sup> Respondent to reverse the money back to the Applicant. That the above only reveals that the relationship between the Applicant and the 3<sup>rd</sup> Respondent is that of contractual relationship. That the facts only reveal that there was a contract for the purchase of gas which applicant paid, but was not

given the gas. On this he referred to the case of *punch Nig Ltd V Jumsum (Nig) Ltd* (2013) 12 NWLR (pat. 1260) 102 at page 186 paragraph 1, where his Lordship Muktar JSC defined the contract of sale thus:

**“Under the sale of goodlaw, a contract for sale of goods is a contract whereby the seller transfers or agree to transfer the property in goods to the buyer for a money consideration, called the price”**

On the above he submitted that the instant suit is not cognizable under the fundamental rights enforcement procedure as it amounts to a challenges to a supposed breach of contract and not a fundamental rights guaranteed under the constitution of the Federal Republic of Nigeria 1999 (as amended).

Furthermore that, the applicants tried to craft his main claims/reliefs in such a manner as to own property under section 34(1)(2) & 44(1) of the CFN 1990 (as amended). On this referred to the supreme court Per Kekere-Ekun JSC, where it stated on a situation where the main reliefs is crafted to give an action a semblance of a breach of aa fundamental right in the case *Emeka V Okoroafor* (2017) 11 NWLR (part. 1577) 420 & 484-489 paragraph C-B

In the instant case, having agreed with the court below that the appellant’s principal complaints are his dismissal as General superintendent and his suspension as a member of the Assemblies of God Church, the fact that learned counsel has drafted the reliefs as seeking the enforcement of the appellants fundamental right does not make his complaint a constitutional one.

**“it has now become a fashion or style for parties to push or force this provision of chapter IV into most claims which cannot in law be accommodated by the chapter, parties at times take undue advantage of the general and at times nebulous provision of the chapter and try to tailor in their action even when the size of the cloths does not fit into it. The provisions does not fit into it. The provision of chapter IV though appear ominous and large both in their character and context are chained here and thereby constitutional gadgets by way of safeguards.**

**....council by his professional calling and expertise may deferously frame a claim or reliefs to have the semblance of a**

**breach of a constitutional right as contained in chapter IV of the constitution. He does this to give the matter a higher status in the litigation process...**

But where an action does not have a constitutional flavor in the sense that the provision of the Constitution are not breached or in the process of being breached... it cannot be elevated to the status of a constitutional wrong. A trial judge should, in such circumstance, be able to apply the eye of an eagle to scrupulously examine the character and context of the claim with a view to removing the chaff from the grain and came to grips with the camouflage or disguise in the action. He has to unveil the pretentious legal phraseology of the action and take an appropriate decision”

On the above decision it is the submission of the learned counsel that a thorough examination of the facts together with the main reliefs reveal quite glaringly that it is not one which can be accommodated both in character and context under the fundamental rights enforcement procedure. Therefore it is the submission that where the main claim of the Applicant does not bother on the enforcement of any fundamental Right whether under the 1999 CFN and thereby rendering the commencement of the instant sort under the fundamental rights enforcement procedure improper on this referred the court to the case of *Emeka V Okoroafor* (supra) it was held thus:

**“The court reiterated its earlier position in *Tukur V Govt of Gongola State* (1989) 4 NWLR (PART. 117) 517 at 548 & *Tukur v Govt of Taraba State* (supra) to the effect that where the main or principal claim is not the enforcement or protection of a fundamental right, the fundamental right procedure is not appropriate.**

The case of *FRN V Ifegwu* (supra) relied upon by learned senior counsel for the appellant in fact support the position of the Respondent for the enforcement of fundamental right procedure to be applicable, the principal reliefs must be for the enforcement of the fundamental rights”

From the above submitted that the instant Applicant’s suit is not one that can be manipulated under the fundamental rights enforcement procedure. Further that the applicant’s failure to found his allegation under any of the provisions of chapter 4

of the 1999 CFN is not a mere irregularity which can be swept under the rug and urge the court to strike out and/or dismiss the instant suit.

The claimant counsel in response to the 2<sup>nd</sup> Respondent counsel's preliminary objection did not file any counter affidavit but instead choose to reply on point of law. In his response stated that, for a breach of another one of his fundamental Right there must not be a relationship between them. On this I have to disagree with the learned counsel's once submission on this point. Hence I shall resolve this position in favour of the 2<sup>nd</sup> Respondent. I so hold

From the foregoing, it is my considered view that, the applicant's failure to comply with the provisions of Chapter IV of the Constitution of the FRN 1999 as amended and the Africa Charter on Human and Peoples Right (Ratification and Enforcement Act and the mode of commencement of the application. Is the failure of this suit.

In view of the above submission of the learned counsel to the 2<sup>nd</sup> Respondent, I totally agree with him and the eagle eyes he used to torch light the suit filed by the Applicant of not having complied with the laid down principles as enshrined in chapter IV of the 1999 CFN 1999 (as amended) and the African Charter on Human and Peoples Right (Ratification and Enforcement Act as the failure of this suit. In any event the Application is frivolous and lack merit.

In the light of the above, the preliminary objection is sustained and the applicant's application before the court is incompetent and it is hereby dismissed.

Having dismissed the applicant application and adjudged it as incompetent, this will also form the Judgment of this court. As there is nothing to dwell on or look in to decide.

In view of the foregoing I shall abide by all the issues, submissions, cases cited and statutes in the preliminary objection to form the basis of my Judgment, as the Applicant did not comply with the provision of section IV of the CFN 1999 (as amended) and the mode of commencement of action on fundamental right. Hence this suit stands no chance of success. The entire claim or reliefs of the Applicant is hereby Dismissed as the reliefs sought therein are not reliefs that can be accommodated under chapter IV of the CFN 1999 (as amended) under article 14 of the African Charter on Human and Peoples Right CAP 10 CFN 1999.

The entire claims/reliefs sought there are not availing hence suit No FCT/HC/CV/7271/2023 is hereby dismissed.

This is my Judgment.

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**Hon. Justice A.Y. Shafa**

**Appearance:**

1. Elizabeth Adodo holding the brief of Nwodo Francis for the Claimant.
2. W. R. Benemone for the Respondent.
3. Lucky Enakerere for the 3<sup>rd</sup> and 4<sup>th</sup> Respondent