

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
ABUJA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

BEFORE HON. JUSTICE J. ENOBIE OBANOR
ON THIS DAY THE 2ND NOVEMBER, 2023

CASE NO.: FCT/HC/CV/587/2022

BETWEEN:

MISS BLESSING EDE

... CLAIMANT

AND

MR DAVID ADEMOLA SAULA

... DEFENDANT

JUDGMENT

INTRODUCTION:

Claimant's Case:

The Claimant before this court commenced this suit by Writ of Summons filed on 25th November, 2022 against the Defendant. The Claimant claims against the Defendant as follows:

- a. A DECLARATION OF THIS HONOURABLE COURT that the Forceful Penetration of the Defendant's reproductive organ into the Claimant's vagina and anus in her residence at Kado Estate, Abuja-FCT, amounting to Rape, damage of anus and causing the Claimant painful injuries, and infringement on her

rights, privacy, self-worth and esteem, self- preservation, chastity and dignity is unlawful, illegal and unconstitutional.

- b. A DECLARATION OF THIS HONOURABLE COURT that the continuous, constant and persistent interceptions and interjections of the Claimant by the Defendant at her place of work at Wuse 11, Abuja-FCT, amounting to Public and sexual Harassment causing an infringement on her right to privacy and personal life is unlawful, illegal and unconstitutional.
- c. A DECLARATION that the acts and actions of the defendant, tracking down the Claimant to her house and visiting the claimant's house uninvited amount to trespass and violation of the Claimant's right to privacy and personal life and same is illegal, wrongful, condemnable and unlawful.
- d. A DECLARATION that the act of the Defendant in forcing down the stomach of the Claimant un-prescribed and unidentified medication after the unlawful carnal knowledge of the Claimant causing her a painful stomach upset, painful damaged anus and a rupture of the womb is illegal, wrongful, condemnable and unlawful.
- e. AN ORDER OF THIS HONOURABLE COURT directing the Defendant pay the Claimant the sum of 2,000,000,000.00 (Two Billion Naira only) as Damages and Surgical operations, medical cares and prescriptions, consultations, therapies, and checkups scheduled to be done in India.

- f. AN AWARD of N5, 000,000.00 (Five Million Naira only) as special cost of Action and prosecution of this case.
- g. AN AWARD of 10% post judgment interest on the entire judgment sum from the date of judgment till same is fully liquidated.

The Claimant filed a Reply and Defence to Counter claim along with an Additional Witness Statement on Oath to Statement of Defence and Counter claim dated 25th April, 2023.

SUMMARY OF FACTS OF THE CLAIMANT'S CASE:

The Claimant averred that sometime in June 2022, at approximately 8pm, the Defendant forcefully offered the Claimant a ride after she closed from work and she refused, resulting in a heated exchange before he abruptly left. A few days later, the Defendant approached the Claimant again, apologizing for his prior behavior. Despite her forgiveness, the Defendant persisted in harassing her, insisting that he must give her a ride. She refused the offer for a ride because the Defendant was a stranger to her.

One fateful night, around 9pm, the Defendant deceitfully gained access to her residence with a false package delivery, only to violently assault and rape her. The Claimant managed to capture photographic and video evidence of the assault.

Following the ordeal, the Defendant administered harmful drugs, causing severe abdominal pain and subsequent bleeding. In the early hours, the Claimant urgently sought medical attention, revealing significant internal injuries. The attending physician recommended specialized treatment in India for her recovery and ongoing therapy. The Claimant condemns the Defendant's reprehensible actions, particularly his heinous act of rape and the subsequent harm inflicted upon her reproductive health.

In Response to the Defendant's Statement of Defence and Counter claim, the refuted several key assertions made by the Defendant in his Statement of Defence. She affirmed that she was not engaged in commercial sex work but rather employed as a sales girl at Tonison West Africa Ltd. The Defendant's claim of their initial encounter at Rock View Hotel was contested, with the Claimant maintaining that he insisted on offering her a ride after her shift. She further disputes any consensual relations, emphasizing that the Defendant started abusing her when she was a minor. She refutes allegations of blackmail and asserts that she reported to a Human Right Organisation called "Initiative Against Human Right Abuse and Torture (INAHURAT). Additionally, she admitted that the Defendant gave her over N10,000,000 (Ten Million Naira) for treatment in India but later introduced her to a travel agent who duped her. The Claimant maintained that the Defendant's

actions were reprehensible, and she categorically denies any wrongdoing in the matter. Finally, she refutes the Defendant's claims of legal proceedings initiated against her, asserting that these actions are a blatant attempt to intimidate her and obstruct the proceedings in this court.

DEFENDANT'S CASE

The Defendant, on 17th March, 2023 filed his Statement of Defence and Counter claim along with a Witness Statement on Oath wherein he sought the following reliefs:

- A. An order of perpetual injunction restraining the Claimant from further acts leading to libel, slander and blackmail of any kind in the media (Radio, Television and social media).
- B. An Order of special damages of N50,000,000 (Fifty Million Naira) for fraudulently and deceitfully obtaining the Sum of N10,000,000 (Ten Million Naira) from the Defendant under false pretense and with the intension to further such illegality.
- C. An Order for cost of this suit at N3,000,000 (Three Million Naira).

Upon being served with the Claimant's Reply to Statement of Defence, the Defendant filed an Additional Witness Statement on Oath on 23rd June, 2023.

SUMMARY OF FACTS OF THE DEFENDANT'S CASE

The Defendant vehemently denies the majority of the allegations

outlined in the Claimant's Statement of Claim. He affirms that he is retired and asserts that his initial encounter with the Claimant occurred over seven years ago, outside Rock View Hotel in Wuse 2, Abuja, where she was engaged in commercial sex work. The Defendant refutes any discord during their first meeting and contends that subsequent encounters were consensual. These encounters typically took place in hotels until the Claimant suggested using her residence in Kado Estate, Abuja. The Defendant stated that they subsequently parted ways on 26th November, 2021.

The Defendant strongly denies any non-consensual actions, particularly administering any form of drug to the Claimant. He maintains that he never forcibly gained entry to her apartment and insists that the Claimant's allegations are baseless. The Defendant admits to providing financial assistance to the Claimant, motivated by a sense of fondness and concern for her well-being. The Defendant further stated that in 2021, the Claimant alleged that she had a damaged womb and anus as a result of their sexual activities and resorted to blackmail and threats of media exposure.

Additionally, the Defendant asserts that in June 2022, he generously gave the Claimant over 10 million Naira, motivated by genuine care and understanding of her difficult circumstances, including the fact that she had a child at an early age. He stated that the Claimant later confessed that her intended medical treatment in India was a fabrication. He emphasized that the Claimant expressed gratitude and pledged to desist from further unfounded claims. However, the Claimant proceeded to make false allegations to the National Human Rights Commission. The Defendant contends that this, along with a subsequent encounter with an individual who claims to be a representative of the Commission, was an attempt at extortion.

The Defendant averred that in light of these events, he engaged legal counsel to address the situation and submitted formal letters to the National Human Rights Commission to report the Claimant's actions. Additionally, he sought an injunction through the District Court to safeguard his reputation from further defamation by the Claimant.

The Defendant filed an Additional Statement on Oath and stated that the averments of the Claimant are all false and contradictory. He further stated that contrary to the averments of the Claimant they were both consenting adults when they started having sexual intercourse. He concluded by

asking the Court to suo moto subpoena the telecommunications companies to verify his claims.

HEARING

At the hearing of the suit, the Claimant testified in support of her case and adopted her Witness Statement on Oath dated 25th November, 2022 and Additional Witness Statement on Oath dated 25th April, 2023. Exhibits 1 – 19 were tendered in evidence through her.

On 25th June, 2023, the Defendant opened his case and testified in chief and was cross examined. Exhibits A – I were tendered in evidence through him.

The case was set down for adoption of Final Written Addresses.

ISSUES AND ARGUMENTS:

The Claimant filed her Final Address on 11th October, 2023 wherein a sole issue for determination was canvassed, thus:

"Whether the Plaintiff proved her case to be entitled to the reliefs sought?"

In addressing the Court on the issue raised, Claimant's Counsel professed that from the evidence before the Court,

the Claimant was raped and drugged by the Defendant which led to the damage of her womb. He cited Section 1 of the Violence Against Persons Prohibition Act for the import of sexual assault. In his argument Counsel equally outlined how sexual assault can be perpetrated. He cited the case of **SHUAIBU ISA V STATE (2016) 6 NWLR (Pt. 1508) 243.**

Claimant's Counsel argued that the Claimant has presented compelling evidence and testimony supporting her claims of sexual assault and harm caused by the Defendant. The Claimant's Counsel stated that the Claimant's statements have been corroborated, and the Defendant's admission to multiple instances of sexual intercourse further strengthens the Claimant's case.

Furthermore, Counsel argued that the Defendant's actions, involving coercion, intimidation, and administration of harmful substances, have resulted in severe and irreversible damage to the Claimant's reproductive health. Given the gravity of the situation, any monetary compensation cannot fully alleviate the harm suffered by the Claimant.

He urged the Court to recognize the heinous nature of the Defendant's actions, especially considering the Claimant's age at the time of the assault. He submitted that the law unequivocally condemns such behavior, and the Claimant has successfully met the burden of proof. He implored the Court

to deliver a judgment that acknowledges the severity of the harm inflicted upon the Claimant and provides a just remedy. Ultimately, Counsel opined that a favorable ruling for the Claimant will serve as a crucial step towards obtaining the justice she rightfully deserves, while sending a powerful message against such abhorrent acts.

The Defence Counsel on 13th October, 2023 filed the Defendant's Final Address, wherein two (2) issues were raised for the determination of the court, as follows:

1. *Whether the Claimant has discharged the burden of proof in this case to warrant the grant of her reliefs.*
2. *Whether the Defendant/CounterClaimant's relief should be granted by the Honourable Court.*

Defense counsel submitted that the Claimant has not discharged the burden of proof on her. He stated that she has not in any way shown how the Defendant molested her.

He further enumerated the inconsistencies he perceives in the Claimant's case. He particularly made comparisons between Paragraph 2 and 9 of the Claimant's Statement on Oath and Paragraph 7 of her Additional Statement on Oath.

In addition, Counsel stated that the Claimant in her written deposition stated that she was taken to the hospital by her

neighbor but on cross examination, stated that she went to a Pharmacy.

He concluded by urging the Court to dismiss the Claimant's suit and enter judgment for the Defendant and grant the reliefs sought by him.

RESOLUTION:

The sole issue raised by the Claimant is similar to the Issue 1 of the Defendant, so I will simply adopt the Two (2) issues raised by the Defendant as follows:

1. *Whether the Claimant has discharged the burden of proof in this case to warrant the grant of her reliefs.*
2. *Whether the Defendant/CounterClaimant's reliefs should be granted by the Honourable Court.*

ISSUE 1: *Whether the Claimant has discharged the burden of proof in this case to warrant the grant of her reliefs.*

The Claimant was on point when he stated that he who asserts the existence of a fact must prove that those facts exist as provided in Section 131-133 of the Evidence Act.

SECTION 131

1. Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of

facts which he asserts shall prove that those facts exist.

2. When a person is bound to prove the existence of any fact it is said that the burden of proof lies on that person.

SECTION 132

The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

SECTION 133

1. In civil cases, the burden of first proving existence or non-existence of a fact lies on the party against whom the judgment of the court would be given if no evidence were produced on either side, regard being had to any presumption that may arise on the pleadings.

This was the stance of the Supreme Court in **DEMATIC (NIG) LTD v. UTUK & ANOR (2022) LPELR-56878(SC)** Per **ADAMU JAURO, JSC (Pp 35 - 35 Paras B - D)** wherein he stated thus:

"The law is settled that he who asserts a fact must prove the existence of that fact, otherwise he would not be entitled to the judgment of the Court. The burden of proof lies on that

person who would fail if no evidence at all were given on either side. See Sections 131 - 133 of the Evidence Act, 2011 as well as DASUKI V. FRN & ORS (2018) LPELR-43897 (SC); JIMOH V. HON. MINISTER FEDERAL CAPITAL TERRITORY & ORS (2018) LPELR - 46329 (SC)."

The standard of proof of an allegation of crime is the same standard in criminal trial, that is, beyond reasonable doubt.

It was held by the Apex Court in **MOHAMMED v. WAMMAKO & ORS (2017) LPELR-42667 (SC)** as follows:

"It is pertinent to state that the appellant's case was centred around criminal allegation where by the law is trite and well established that the onus lies squarely on him who asserts to prove."

Also in the case of NLC & ORS v. AJIYA INTERGRATED SERVICES LTD & ANOR (2020) LPELR-49965(CA) **Per IGNATIUS IGWE AGUBE, JCA (Pp 63 - 64 Paras A - A)**, the Appeal Court stated as follows:

"The law is well settled that where in a civil matter there are allegations that are suggestive to have an element of crime, the party asserting that fact has the onerous burden of proof which must be beyond reasonable doubt and not on balance of probability. See RAYMOND S. DONGTOE v. CIVIL SERVICE COMMISSION, PLATEAU STATE & Ors. (2001) LPELR- 959 (SC);

SYLVANUS EMEKA MADUBUIKE v. ROMANUS ELOCHUKWU MADUBUIKE (2016) LPELR- 40679 (CA); UDOM GABRIEL EMMANUEL v. UMANA OKON UMANA & Ors. (2016) LPELR- 40037 (SC). See Section 135 (1) and (2) of the Evidence Act, 2011 which provides as follows: "135(1) If the commission of a crime by a party to any proceeding is directly in issue in any proceeding, civil or criminal it must be proved beyond reasonable doubt. (2) The burden of proving that any person has been guilty of a crime or wrongful act is, subject to Section 139 of this Act, on the person who asserts it, whether the commission of such act is or is not directly in issue in the action." See further NWOBODO VS. ONOH & ORS (1984) NSCC 1 OR (1984) SCNLR 1; A.S.E.S.A. VS. EKWENEM (2001) FWLR (PT.51) 2034 (CA)."

What exacerbates the situation in this case is that the Claimant leveled a plethora of criminal accusations against the Defendant. Consequently, she was obligated to substantiate these allegations beyond a reasonable doubt.

The Claimant in this suit filed a Statement of Claim and made depositions to the effect that the Defendant molested, drugged, raped and damaged her womb and in an attempt to prove this tendered various Photographic evidence.

Having considered the pleadings and evidence before me, I make haste to say that I do not agree with the Claimant that

she has made out a credible and cogent case against the Defendant.

I agree with the submission of the Defence that there are inconsistencies in the Statement of the Claimant before the court. These inconsistencies are overwhelming and enough to make the head of any person that comes across it spin.

I will quote Paragraph 7 and of the Claimant's first deposition filed on 25th November, 2022 and Paragraph 7 of the Claimant's second deposition filed on 25th April, 2023 verbatim:

Paragraph 7 - *"That after settling the discord, the defendant came up again with his willingness to give a ride to me which I refused, owing to the fact that the defendant was a stranger to me."*

Paragraph 7 – *"That the defendant started abusing me when I was a minor (15 years) and constantly threatened to kill me if I mention his unlawful action to anyone."*

As rightly pointed out by the Defence, the Claimant in one breath stated that she just met the Defendant and he was stranger to her, and in another breath the Claimant made a 360 degrees turn and stated that the Defendant had been molesting her since she was a minor.

The Defence Counsel also rightly pointed out further inconsistencies in the evidence of the Claimant in Paragraph 7 of her Additional deposition, wherein she stated that she met the Defendant in 2022 and evidence adduced during the Cross examination of the Claimant, wherein the Claimant averred that she was 27 years old.

It is trite law that contradictory evidence should be rejected by the court.

In the case of **WUSU & ORS v. DAVID & ORS (2014) LPELR-22426(CA)**, the Appeal Court stated as follows:

"It is trite law that evidence of a witness must be direct and positive, it is not for the Court to pick and chose which piece of evidence to rely on, thus in the event of such inconsistency or contradiction in the evidence of a witness it renders it unreliable as it is devoid of credibility. The effect of such unreliable evidence is that it will be discountenanced by the Court and should not be considered in reaching a decision."

See also **MOHAMMED v. A-G, FED (2020) LPELR-52526(SC)** Per **KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN, JSC (Pp 26 - 26 Paras B - D)** stated that:

"As rightly submitted by learned counsel for the respondent, a piece of evidence is said to contradict another where it states or affirms the opposite of that other piece of evidence or where one piece of evidence is inconsistent with another."

See: Dagayya Vs The State (2006) LPELR-912 (SC) @ 45 D - E; Ogoala Vs The State (1991) 2 NWLR (Pt. 175) 509: Wachukwu Vs Owunwanne (supra)."

The evidence adduced by the Claimant particularly, her Additional Statement on Oath appears to me to be an afterthought and only a means to respond to the Statement of Defence and Counter claim of the Defendant.

A credible and cogent evidence refers to information that is trustworthy and originates from a reliable source. It should also possess inherent credibility, appearing natural, reasonable, and likely given the context of the described transaction or its relevance.

In the case of **EMEKA v. CHUBA-IKPEAZU & ORS (2017) LPELR-41920(SC)** Per **CLARA BATA OGUNBIYI, JSC (Pp 36 - 36 Paras A - C)**, the Supreme Court stated thus:

"On the credible nature of the 1st respondent's evidence, reference can be made to the case of Agbi V Ogbah (2006) 11 NWLR (Pt. 990) 65 at 116 per Musdapher, JSC (as he then was) wherein his lordship gave a sound description of what amounts to credible evidence which must be:- "Worthy of belief, ---- must be credible in itself in the sense that it

should be natural, reasonable and probable in view of the entire circumstances."

Also in the case of **AKEREDOLU v. REGISTERED TRUSTEES OF THE GOFAMINT & ORS(2022) LPELR-57840(CA)**Per **YARGATA BYENCHIT NIMPAR, JCA (Pp 27 - 27 Paras A - B)**stated thus:

"Credible evidence means evidence worthy of belief and evidence to be worthy of credit from a credible source and credible by itself, by which means it should be natural, reasonable and probable in view of the transaction which it describes or to which it relates as to make it easy to believe, see Black's Law Dictionary, 6th Edition."

The Claimant's case lacks the essential credibility required in such proceedings, failing to meet the necessary standards of believability.

The Claimant tendered before this Court several Photographic Exhibits as evidence depicting the parties having sexual intercourse but unfortunately it does not prove that the acts were non-consensual.

The Claimant in her evidence particularly Paragraphs 9 – 11 of her Statement on Oath stated that at about 9.00 PM, the Defendant came in unexpectedly and tricked her into opening her door after which he suddenly raped her. The Claimant stated in Paragraph 11 as follows:

"That I had my night gown on which I wore after my shower, getting ready to go to bed when the defendant came as my neighbor. That no help came in when I called, but whilst I was struggling with the defendant who was stronger than me, I took picture and videos of him as he violently raped me. The Picture and Video of the Defendant is raping the Claimant is hereby pleaded and shall be relied upon during trial."

Without being insensitive, it comes to mind how possible it was for the Claimant to set up her Camera to take the Photographs from the distant angle in which they were taken, considering the picture painted by the Claimant, that the Defendant paid her an impromptu visit and swiftly assaulted her.

It is also worthy of note that the Claimant did not lay before the Court any evidence to show that the Claimant at any time filed a formal complaint at the Police Station against the Defendant. The actions the Claimant is accusing the Defendant of committing is criminal in nature and ought to have been reported to the Police.

The averment of the Claimant in Paragraph 10 of her Additional Statement on Oath that she summoned up courage to tell a Policeman that passes through her street of her supposed ordeal but failed to file a formal complaint at the

Police Station is not tenable, as she currently has a lawyer who can help her file one but has still failed to do so.

It was held in **ODU v. STATE (2020) LPELR-51370(CA) Per HAMMA AKAWU BARKA, JCA (Pp 17 - 17 Paras A - D)**that:

"A medical report may not be necessary in proving the offence of rape, or in this matter, the offence of defilement unless, where the accused person (just like the case at hand) denies the commission of the alleged offence. The intendment of medical evidence most of the times, is to establish mainly what is termed the primary ingredient of the offence, being penetration, and any other injury to the prosecutrix's private part, for example whether there exists bruises or any other signs of force used, in order to dispel the issue of consent in appropriate cases. See Danladi vs. The State (2019) 16NWLR (pt. 1698) 342."

As held in **ODU v. STATE (Supra)** a medical report is crucial in determining the extent of the injury received by the Claimant.

The Claimant in her evidence alleged that the Defendant's actions led to the damage of her womb but failed to tender any medical report. She alleged she was a minor when the

Defendant had sexual intercourse with her but failed to tendered any evidence showing her age like a Date of Birth Certificate.

The burden on the Claimant is to substantiate that sexual intercourse occurred without her consent. This proof is crucial in cases of alleged rape.

In **JULIUS v. STATE (2019) LPELR-48491(CA)**, the Court of Appeal stated:

"Coming to the ingredients that the prosecution must prove to ground a conviction of Rape. The prosecutrix must prove there was Sexual intercourse without consent."

The bedrock of the Claimants case is on the allegation of rape which I find spurious and unbelievable. I therefore find the case of the Claimant unreliable, not cogent and not credible.

Issue 1 is resolved against the Claimant and in favour of the Defendant.

ISSUE 2: *Whether the Defendant/CounterClaimant's relief should be granted by the Honourable Court.*

The Counter-claimant/Defendant in proof of his counter-claim tendered in evidence before the court, conversations between

the Claimant and the Defendant on Whatsapp (Exhibit H), showing that the parties had a very friendly and cordial relationship. I took particular notice of the conversation of 28th April, 2021 initiated by the Claimant, wherein she wrote to the Defendant as follows "*I miss you small I hope you're good*" to which the Defendant responded, "*You too ooo!*". Why then would the Claimant aver in her statement that the Defendant was sexually abusing her? Only the Claimant can answer that question.

From the evidence adduced from Exhibit H, it is glaringly clear that the Claimant was not in any way uncomfortable with the Defendant as she could even communicate so pleasantly with him. I do not believe the Claimant was coerced.

It should also be noted that the Claimant did not challenge or controvert Exhibit H" or its contents.

It is a well-established principle that an uncontroverted or an unchallenged evidence is deemed admitted and needs no further proof.

It has been postulated in cases too numerous to count, but for the sake of clarity, I will cite the case of **AJAGBE v. IDOWU (2011) LPELR-279(SC)** Per **ALOMA MARIAM MUKHTAR, JSC** (as he then was) (**Pp 13 - 14 Paras F - B**) stated as follows:

"It is trite law that evidence of a fact that is not in dispute and that is relevant to a matter in controversy is good and credible evidence that can be relied upon for the determination of the issue in controversy. See Omoregbe v. Lawani(1980) 3 - 4 SC. 108, Okupe v. Ifemembi 1974 3 SC. 97, and Durosaro v. Ayorinde(2005) 8 NWLR part 927 page 407."

The Counter-claimant/Defendant, in his counterclaim, seeks a perpetual injunction as a remedy. In support of his Counterclaim he tendered letters to the Chairman, National Human Rights Commission (Exhibits A and B) intimating them of his ordeal with the Claimant and the fact that there was a subsisting Interlocutory Injunction restraining the Claimants from further harassing and blackmailing him.

In *ANYANWU & ORS v. UZOWUAKA & ORS(2009) LPELR-515(SC)Per OLUFUNLOLA OYELOLA ADEKEYE, JSC (Pp 56 - 56 Paras E - F)*, it was held thus:

"...A perpetual injunction is based on final determination of the right of parties and it is intended to prevent permanent infringement of those rights and obviate the necessity of bringing action after action in respect of such infringement."

On the issue of defamation, I disagree with the submission of the Counter-claimant/Defendant's Counsel that the major

ingredients of defamation is publication. A distinction should be made between libel and slander. While Libel refers to written or printed defamatory statements, slander refers to spoken defamatory statements.

Be that as it may, I however, agree with the Counter-claimant/ Defendant that there is need to prevent the act from becoming a vicious circle.

It is my view that from the evidence before me, the Counter-claimant/Defendant has presented sufficient evidence to warrant this court granting him perpetual injunction to forestall further threats from the Claimant.

In relation to Special damages, the Counterclaimant tendered in evidence, receipts of payment and bank statements showing that various sums of money amounting to overN10,000,000 (Ten Million Naira) were sent to the Claimant by the Counter-claimant. The Claimant admitted receiving the money from the Defendant to enable her go to India for treatment but asserted that the Defendant recommended a travel agent to her who ended up absconding with the money. This averment of the Claimant is unfounded as she has not placed any evidence to prove that there was indeed an agent. No name, no address. It could have been better for the Claimant if she had tendered a receipt or Statement of Account, showing that the said money was ever

transferred to the agent. At any rate, I see such amount given by the Counter-Claimant as an act of benevolent which he cannot at this stage claim because their relationship has broken down.

On the whole, I find that the Claimant's case lacking in substance and merit. It is hereby dismissed. Therefore, the case of the Defendant/Counterclaimant succeeds in part. Accordingly, Reliefs on of the Counter claimant succeeds. For the sake of clarity, I hereby enter judgment in favour of the Defendant and make the following Order:

An order of perpetual injunction is hereby granted restraining the Claimant, **MISS BLESSING EDE** from further acts leading to libel, slander and blackmail of any kind in the media (Radio, Television and social media) against the Defendant/Counterclaimant, **MR DAVID ADEMOLA SAULA**.

That is the Judgment of this Court. I make no Order as to cost.



HON. JUSTICE J. ENOBIE OBANOR

Hon. Judge

Appearance:

For the Claimant; Nnenna Maxwell Opara, Esq.

For the Defendant; Daniel Shaba Gana, Esq.