

April 22nd, 2014



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Family drags Tantalizers to court over breadwinner's death

APRIL 19, 2014 BY KUNLE FALAYI LEAVE A COMMENT

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Late Adebisi

Sixty-two-year-old Andrew Adebisi was walking home from his place of work around 11am on May 6, 2013 when he was allegedly knocked down by the driver of a *Toyota Dyna* van belonging to Tantalizers Plc.

He died on the way to the Igando General Hospital.

A doctor's report from the hospital stated that Adebisi was "brought in dead by a young driver who claimed that he hit the man."

The victim's son, Adewale, said he got a call around 12pm that day that he should rush down to the hospital.

"I met my father's corpse on a stretcher in the hospital," he said.

Adebisi was said to be crossing the Igando-Isheri Road at the time of the accident.

"We learnt that my father ran and jumped on the culvert that separated the two lanes of the road but the driver lost control and hit him on the culvert," Sola said.

According to the doctor's report, signed by one Dr. Olaniyan of the Alimosho General Hospital, Igando, the driver, Seyi Olushi, said when he hit Adebisi, the deceased fell into the flower shrubs on the culvert.

The police report on the case stated that the family of the deceased agreed to take the corpse of the deceased away for burial.

"The family of the deceased have indicated that they are not interested in the prosecution of the case and have written a withdrawal letter and an application for the release of the corpse for burial. The family in a written application said they were not interested in any police case," the Divisional Traffic Officer of Igando Police Division, Lagos, Mr. Ajagunna Oyedele, had stated.

However, the family claimed that though Tantalizers had promised to compensate the family for the death of their breadwinner, it had not done so.

In a statement of claim filed before a Lagos High Court sitting in Ikeja, Adewale said that the driver killed his father while driving dangerously and recklessly.

The court document joined Tantalizers and Olushi as the first and second defendants respectively.

The deposition states in part, "Owing to the gravity of the injury my father sustained, he died on the spot.

"It was drizzling that day and Olushi ought not to have been moving at such a great speed under such weather and in a busy city road.

"The first defendant (Tantalizers) is vicariously liable for the said act, omission, neglect and recklessness of the

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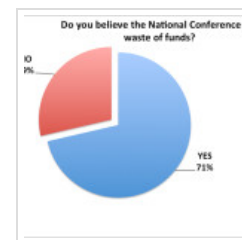
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second defendant (Olushi), which occurred in the course of his duty and which has resulted in the death of the deceased."

According to Adebisi's family, he was their breadwinner who made at least N150,000 monthly in his lifetime. His widow is said to be a housewife who fully depended on her husband for the upkeep of the home.

The family told *Saturday PUNCH* that the court option was chosen because Tantalizers had done nothing to compensate the family even though some of the company's officials had visited the family to ask what they would be willing to accept as compensation.

A letter of condolence signed by the Tantalizer's Human Resources Manager, Mr. Yomi Liopo, a copy of which was obtained by our correspondent, stated, "On behalf of the management and the entire Tantalizers family, I wish to express my profound sympathy for the death of your father in a motor accident caused by one of our company's drivers."

The company also requested the deceased's death certificate in a letter dated September 17, 2013, which the family said had been sent. The family said the company was yet to give them money as a form of compensation.

The family wants the court to hold the company responsible for the 'wrongful death' of Adebisi.

Saturday PUNCH contacted Liopo on the issue and he gave a version of the story that pointed to the fact that Tantalizers did not abandon the family on the case.

He said, "I visited the family in company with the chief security officer and insurance officer because I realised that a human life had been lost and I personally felt for the family."

"At a meeting with the deceased's son and brother, we asked them what they wanted. They called an elder in the family in our presence and the man said that there was no amount of money that could compensate for the life of the deceased. He said he forbade the family from collecting any money."

"They both said they would abide by what the man had said because of his position in the family. But we have a policy in the company that makes provision for payment of monetary reparation in a case like this."

Liopo said when he told the deceased's brother and son about the company's position on compensation, they both agreed.

He said, "I asked them how much they might be expecting so we would know what to work on, but they did not state any amount."

"But two weeks after our visit, the deceased's son sent two account numbers to us and said we should pay the money into either one of them when we were ready to pay. I informed his uncle about this and he said if that was what the deceased's son wanted, then he was in support of it."

"We relayed this information to our insurance officer and he said in order to do a proper documentation, the family should provide the death certificate and the police report. We requested for the certificate since we had already got the police report ourselves."

The family had told *Saturday PUNCH* that the hospital where the deceased was taken to did not want to issue a death certificate since he was "brought in dead."

Liopo said the family brought a death certificate issued by another hospital later but the insurance officer insisted that the certificate must come from the right source.

He said, "We have since tried many times to get the family to bring the authentic certificate from the actual hospital where the deceased was taken to but the family has not been forthcoming."

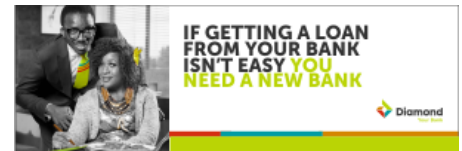
"We even asked them how we could assist in getting the certificate but we have got no response. We have even approached our insurance officer to ask how we could bypass the death certificate part to speed up the process."

"What we saw next were court documents, which we were now forced to refer to our legal department. As you can see, we have not been running away from the family."

The company lawyer also explained that the company was awaiting a mediation date from the court.

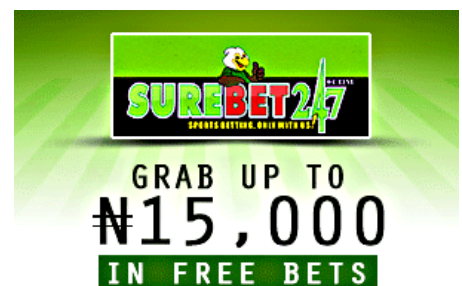
The legal officer said, "At this stage, we did not expect that they would be making insinuation that we have not reached out to them."

"They have filed their statement of claims and we have filed our statement of defence. What remains is a court



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mediation. It is only when the mediation process breaks down that the court would refer the case for trial."

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