

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

**THIS WEDNESDAY, THE 26<sup>TH</sup> DAY OF FEBRUARY 2020.**

**BEFORE: HON. JUSTICE ABUBAKAR IDRIS KUTIGI – JUDGE**

**SUIT NO: FCT/HC/CV/2151/15**

**BETWEEN:**

1. MS & SONS AUTO LTD  
2. ASD MOTORS NIGERIA LTD

} ..... PLAINTIFFS

**AND**

1. OMNI CONCEPTS WORLDWIDE  
INTERNATIONAL LTD  
2. OPENIYI OLAWALE

} ..... DEFENDANTS

**RULING**

I have carefully considered the submissions above with respect to the admissibility of the **Certified True Copy of Extract of Onnex Layout Plan showing Plot MF111 verged in Red.**

The objection is simply that the document was not pleaded and frontloaded. On the other side of the aisle, the contention is that the document was pleaded and that frontloading of a document is not a legal consideration for purposes of admissibility.

Now it is trite principle of General application that when the question of admissibility is raised, the court usually concerns itself with three (3) important questions to wit:

1. is the document pleaded?
2. is it relevant?
3. is it admissible in law?

It is the pleadings that has streamlined the issues in dispute that provides a template in answering the above questions.

Now with respect of whether the document was pleaded, the court's attention was drawn to paragraphs 26, 27, 28, 29 and 30 of the Further Amended Statement of Claim as follows:

**“26. The land known as Plot MF 111 Onnex is the same land as Plot 71 Karsana on the District layout. It was labelled Plot 71 as a result of the integration of the outer fringes of Onnex expressway into Karsana District. It carries the same beacon numbers.**

**27. All the plots on the stretch of land Onnex expressway adjoining the disputed plot have AMAC customary title and upon processing by their title owners are converted to Statutory title over which Certificate of Occupancy are granted.**

**28. The official records of the status of the land with the Department of Urban and Regional Planning of FCDA shows that Plaintiff is the title owner of the land and not defendant who has no file with the Department of Urban and Regional Planning shall rely on all the relevant records.**

**29. The Federal Capital Development Authority is responsible for the Planning, Design and Administration of the Federal Capital Territory.**

**30. The Department of Urban and Regional Planning is a department of FCDA charged with the responsibility of physical planning and monitoring of land use in the Federal Capital Territory. It is responsible for preparation**

**and coordination of all planning schemes through the plans used to generate surveys and development plans allocated to all allottees.”**

The above paragraphs clearly talks about the disputed plot MF111 and the fact that the plaintiff shall rely on relevant records related to the said plot. The above paragraphs equally clearly alluded to the powers of Department of Urban and Regional Planning and the fact that they have the responsibility of preparation and coordination of planning schemes through the plans used to generate survey and development plans allocated to all allottees.

It is clear that while these paragraphs may have not specifically mentioned this particularly extract or plan, there cannot be any doubt that the material facts to provide basis to admit the document has been sufficiently provided. The law has always been for a party to plead materials facts in the pleadings and not evidence.

The layout plan here is the evidence to support the pleaded facts relating to plans of the disputed plot. Indeed as earlier alluded to, the plaintiff has also pleaded that it would rely on all relevant records of the Department of Urban and Regional Planning in proof of its case. The plan here is clearly one of such records and the plaintiff has given sufficient notice that it will use such official documents at trial.

Here if the defendant wanted clarity with respect to these **“relevant documents”** that will be relied on, it ought to have asked for better particulars. There is no indication this was done.

Finally on the issue of frontloading, it is important to state that when the issue of admissibility is raised, frontloading is strictly speaking not a requirement of admissibility. Once a document is pleaded, is relevant and not inadmissible in law, such a document is readily admitted.

Our Rules of Court may have provided for frontloading of document(s) and this the court encourages, but where a document and or the facts that allows for reception of a document are copiously pleaded, then the adversary cannot complain of been taken by surprise or that the document is not frontloaded.

On the whole, the objection clearly must fail. The **Certified True Copy of the Extract of Onnex Layout showing Plot MF 111** is admitted in evidence as **Exhibit P9**.

**Signed**

**Hon. Judge**

**26<sup>th</sup> February, 2020**