

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT GUDU – ABUJA**  
**DELIVERED ON WEDNESDAY DAY THE 30<sup>TH</sup> DAY OF JUNE 2021.**  
**BEFORE HIS LORDSHIP; HON. JUSTICE MODUPE OSHO-ADEBIYI**  
**SUITNO.CV /2562/2016**

**BETWEEN:**

**DENNIS OBEJE----- PLAINTIFF**

**AND**

**1. ALH. NAFIU UMAR MAJE**  
**2. MAJE INVESTMENT AND**  
**CONSTRUCTION COMPANY NIG. LTD** } ==DEFENDANTS

**RULING**

The Defence Counsel in this case objected to the question directed at the PW1 under re-examination on the ground that the question that led to the Plaintiff's Counsel's decision to re-examine the PW1 was not in any way ambiguous to warrant a re-examination.

The Court thereafter adjourned the case for respective Counsel to file written addresses on this issue which this Court has considered in this ruling.

The issue to be determined is whether or not the question asked by Defence Counsel to the PW1 under cross-examination was ambiguous to require the Plaintiff's Counsel to re-examine the PW1 on the said question asked. To answer this question, it will be pertinent to look into the Court's record as it is trite that the Court is bound by its record which is the true reflection of what transpired in the Court. See ADEJUYIGBE v. FRN(2017) LPELR-43801(CA) and FRIDAY v. NIGERIAN ARMY(2016) LPELR-41604(CA).

It will therefore be pertinent to reproduce the portion of the record that led to the Plaintiff's Counsel re-examination of the PW1. The following questions and answers ensued between the Defence Counsel and the PW1.

*Q- When you wrote. Your letter dd: 28/12/2015, the said letter was signed and written by you?*

*A- You're correct.*

*Q- The witness statement made by you, where did you sign? (gives PW1 statement on oath and shows him his signature).*

*A- I signed it in my house.*

The answer divulged by the PW1 prompted the Plaintiff Counsel's objection on the ground that the question was not clear and sought to re-examine the PW1 asking thus;

*Q- where exactly did you sign the witness statement on oath?*

The Defence counsel is contending that the question put to the PW1 under cross examination was not ambiguous to warrant the question asked by Plaintiff's Counsel under re-examination. The Plaintiff's Counsel on the other hand is contending that the question was ambiguous and demands adequate explanation to PW1 to enable PW1 provide the right response.

It's trite that re-examination is to clear the areas of conflict, to explain or clear ambiguity raised under cross-examination. In this matter, the question to be answered is whether the question put to the PW1 was clear and unambiguous?

In his case, from the record of this Court the question “*where you did sign?*” was followed by the Defence Counsel giving the PW1 his witness statement on oath and showing him his signature.

The witness is educated and not an illiterate. Witness at inception of his examination in chief was shown his witness statement on oath, he sighted same, identified same by his signature and passport photograph and confirmed the witness statement on oath. PW1 thereafter requested the Court to adopt same in lieu of his oral testimony. Having adopted his witness statement on oath and all averments therein, Defence Counsel under cross examination showed him the same witness statement on oath and likewise shows Plaintiff the signature on his witness statement on oath. Defence Counsel thereafter asked the PW1

“*The witness statement made by you, where did you sign?*” to which PW1 answered

*“I signed it in my house”*

The question was not only clear but in plain English language, uncomplicated and unambiguous to PW1. PW1 did not just reply “In my house” but rather answered in a literal phrase: “*I signed it in my house*”. It was not a rhetorical question nor an irony, neither can it be described as a sarcastic question. Rather it was a question said in plain and unambiguous English language, which any reasonable person would be able to understand.

The main purpose of cross-examination is to test the veracity of a witness and in this case, PW1 has sighted, confirmed and identified his witness statement on oath by his signature and photograph which said signature

became a subject of cross-examination. Allowing PW1 to be re-examined on the said question will be tantamount to allowing PW1 to re-open his examination in chief. The witness clearly understood this question and gave a clear concise answer. The Plaintiff's Counsel being dissatisfied with the answer provided by the witness (PW1) now wants to use the guise of re-examination to give the PW1 an opportunity to bite the cherry and change or improve his evidence. The PW1 being a graduate as stated in his evidence under cross-examination has been articulate and clearly understands each question put to him. I do not agree that the witness misunderstood the question and I therefore hold that the question put to the PW1 is clear and unambiguous. The objection of the Defence Counsel is hereby upheld.

PARTIES:Plaintiff absent. Defendant Present.

APPEARANCES: U. J. Sampson for the Claimant. Emilia O. Chukwuocha (Mrs.) for the Defendant.

HON. JUSTICE MODUPE OSHO-ADEBIYI  
JUDGE  
30<sup>TH</sup> JUNE, 2021