

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

**THIS MONDAY THE 13TH DAY OF SEPTEMBER, 2021**

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

**SUIT NO: FCT/HC/CV/1537 /17**

**BETWEEN:**

**ALJAZIRAH NEWSPAPER.....PLAINTIFF**

**AND**

**1. MR. OLABISI O. JIMOH**

**2. JOINT ADMISSIONS AND MATRICULATION BOARD**

}  
.....DEFENDANTS

**RULING**

I have carefully considered the submissions on both sides of the aisle. The narrow issue is whether the letter sought to be tendered is admissible now when parties have respectively closed their cases and the matter adjourned for adoption of final addresses?

Now there is no argument or dispute that under our Rules of Court documents can be tendered from the Bar, but the tendering of documents whether from the bar or not must necessarily be circumscribed within the purview of the provisions of our Rules and extant provisions of the laws governing admissibility.

The provisions of **Order 32 Rules 8-12 of the Rules** provides clear modalities for proceedings at trial. It situates when and how evidence is led and when it closes. Every party in a case has a defined time frame to lead evidence and when he does so, his case closes and the adversary equally has a defined time frame to lead evidence in support of his case and when he concludes, the case then closes. Through this defined process, the court provides on even template for parties to present their grievance in a fair manner without undue advantage to either party.

Our rules again provides leeway to reopen a case in the event that perhaps a critical document or evidence due to inadvertence is not presented. This procedure is also guided by fairly settled principles of law.

Now in this case, parties have since **closed** their cases. The opportunity to tender from the Bar was not utilised during the initial hearing and parties all led evidence and closed their cases and parties were then directed to file their final address in compliance with the Rules of Court.

The claimants then on the Record filed an application to reopen their case to tender new or fresh documents. Arguments were taken and the court gave a considered ruling refusing the application and the case was then adjourned for adoption today.

I have given a trajectory or narrative of the facts of this case to situate the fact that the claimants have been given every opportunity to present their grievance which they have done.

The present situation of seeking to tender a document at this late stage when the matter is again for adoption of final addresses cannot be situated within the confines of our Rules as demonstrated. Again it must be underscored that no new application was filed to re-open the claimants case again to allow for the admission of this letter.

The reliance on interest of justice by claimants will not fly precisely because justice is for all parties in this case and not just the claimant.

On the whole, there is really no template to allow for the admission of the letter by the Nigerian Press Council dated 6th July, 2015. It is inadmissible and is to be marked, tendered and rejected.

**Signed**

**Hon. Judge**