

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

**BEFORE: HON. JUSTICE O. C. AGBAZA**

**COURT CLERKS: UKONU KALU & GODSPower EBAHOR**

**COURT NO: 6**

**SUIT NO: FCT/HC/PET/051/2019**

**BETWEEN:**

**SOLOMON EBIELADOR BARRY.....PETITIONER**

**VS**

**SOLOMON FAITH EBIELADOR BARRY.....RESPONDENT**

**RULING**

This is a Ruling on the Admissibility or otherwise of a bundle of documents which includes receipts and Bank Tellers of payment sought to be tendered in evidence by the Petitioner – PW1, during his Examination-In-Chief. Respondent’s Counsel objects to the Admissibility of the said documents on the ground that the purpose of the G.T.B receipt was not stated, secondly, Eucharistic Model Heart of Jesus Model School, Kubwa, receipts, the name of the paying parents was not written and contains no signature. Thirdly, the Polaris Bank Statement does not make any sense to the Respondent. Urge court to make the document as tendered but rejected.

Responding Petitioner’s Counsel submits that the document are relevant, pleaded, and admissible before the court, that they are various payment receipts of school fees for the children from Primary School to University

level. That on the face of the Polaris Statement, the name of the Petitioner is boldly written on it, confirming that he made the transfers. Submits further that what is relevant is the name of the student on the receipt. In all, urge court to discountenance the objection of the Respondent's Counsel and admit the document.

I have carefully considered the submission of both Counsel for and against the Admissibility of the documents in issue and I find that the issue which calls for determination is, whether the document in issue is indeed capable of being admitted in evidence?

The criteria which govern Admissibility of documentary evidence are;

- (1) Is the document pleaded?
- (2) Is the document relevant?
- (3) Is the document admissible in law?

See the case of Okonji & Ors Vs George Njokanma (1999) 12 SCNJ 254 @ 273.

I have taken a careful look at the document in issue vis-a-vis the pleadings of the Petitioner and I find that the facts which the documents refers are pleaded in Paragraph 1,2,3,4,17 and 19 of the Petitioner's Reply to the Respondent's Answer. I also find the documents relevant to the case of the Petitioner. The question which follows is whether the documents are admissible in law.

The document in issue are Receipts, Tellers and Bank Statement in respect of payment allegedly made by the Petitioner, the objection of the

Respondent's Counsel to the Admissibility of the documents bother on the want to be attached to the document, which the court cannot ascertain at this stage of trial. A document is admissible as Primary evidence or Secondary evidence under Section 85 of the Evidence Act. I have carefully perused the document and I find that they are admissible as Primary evidence as provided by Section 86 of the Evidence Act. I so hold.

From all of these, having found the document in contention is pleaded, relevant to the case of the Petitioner and Admissible in Law, this court hereby dismiss the objection of the Respondent's Counsel and accordingly admit the bundle of Receipts Tellers and Bank Statement collectively as Exhibits "B<sup>1-27</sup>".

**HON. JUSTICE O. C. AGBAZA**

Presiding Judge

21/3/2022

**APPEARANCE:**

DICKSON SEFIAREGHSE ESQ. FOR THE PETITIONER

EBOH BLESSING MERCY FOR THE RESPONDENT