

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

BEFORE: HON. JUSTICE O. C. AGBAZA

COURT CLERKS: UKONUKALU, GODSPOWEREBAHOR& ORS.

COURT NO: 6

SUIT NO: FCT/HC/PET/289/2021

BETWEEN:

AUGUSTA OMOKHUWA IREKPITA.....PETITIONER

VS

MARTINS IKHADE AFFAH.....RESPONDENT

RULING

This is a Ruling on the Admissibility or otherwise of a set of documents; Petition and Certified True Copy Enrolment Order issued by the Customary Court, Edo State dated 16/3/2020 and 23/7/2020, sought to be tendered in evidence by the PW1 during her Examination-In-Chief. Respondent's Counsel objects to the Admissibility of the said documents on the ground that the document does not bear the name of the Respondent and has no bearing on this case. Therefore urge court to reject them in evidence as they are meant to mislead the court.

Responding, Petitioner's Counsel submits that the documents bear the name of the Respondent particularly the second Paragraph of the Ruling therefore urge court to discountenance the objection of the Respondent's Counsel and admit the documents.

Having carefully considered the submission of both counsel for and against the admissibility of the document in contention, I find that only one issue calls for determination that is;

“Whether or not the documents in contention are capable of being admissible in evidence”

The criteria which govern the admissibility of documentary evidence has being held to be three-folds, in a Plethora of cases they include;

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

See the case of Okonji Vs Njiokanma (1999) 12 SCNJ 259.

Apply the above criteria to the case vis-à-vis the pleading of the Petitioner, I find that the facts which the document relates are sufficiently pleaded in Paragraph 6 of the Petition and also stated in her Witness Statement on Oath particularly Paragraph 3 of the same. I also find those facts relevant to this case. The pertinent question which follows is whether the documents are admissible in law.

The document are documents which are issued by the Customary Court of Edo State Okpella District as stated in the fact of the document and are therefore public documents as contemplated by Section 102 of the Evidence Act and which must conform with Section 89 (e) 90 (c) of the Evidence Act, for them to be Admissible in evidence. I have taken a look at the document and I find that they are duly certified and thus admissible as

evidence, notwithstanding that the Respondent name may not be in the document as submitted by Respondent's Counsel. The said submission merely goes to the weight to be attached to the document, which the court cannot ascertain at this stage of trial.

From all of these and having found the documents pleaded and relevant to this case, having also found them admissible in law, this court hereby dismiss the objection of the Respondent's Counsel against the Admissibility of the document in issue and accordingly admit them collectively in evidence and marked them Exhibit "B1-2".

Signed
HON. JUSTICE C.O. AGBAZA
Presiding Judge.
24/10/2022

H. H. BASSEY ESQ FOR THE PETITIONER

E.G. INALEGWU ESQ FOR THE RESPONDENT