

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT GUDU – ABUJA
DELIVERED ON TUESDAY THE 25TH DAY OF APRIL, 2023.
BEFORE HIS LORDSHIP; HON. JUSTICE MODUPE OSHO-ADEBIYI

SUIT NO. PET/141/2022

BETWEEN

JUWAREJU ONOZARE OKAISABOR -----PETITIONER

AND

OMOKHOA OHIORHENUAH OKAISABOR ----- RESPONDENT

RULING

Petitioner Counsel in tendering a bunch of documents including a DVD and flash drive drew an objection from the Respondent Counsel. The objection is two faced; The first is that the DVD and flash drive was not served on the Respondent that Petitioner failed to comply with **Section 84 of the Evidence Act** in tendering both the DVD and Flash Drive. First, he has objected that documents were not served on him and secondly that document (both DVD and Flash Drive) were not accompanied a certificate of authentication in line with **Section 84 of the Evidence Act**.

On the first issue raised, the non-service of these computer generated documents on the Respondent Counsel is an irregularity that can be regularized. The essence of serving and frontloading documents in civil cases is to forestall springing a surprise on the other party and this court is in agreement with Respondent Counsel that he ought to be served with these computer generated documents and it is hereby ordered that the said DVD and Flash Drive be served on the Respondent Counsel. Counsel has also raised objection to the admissibility of the said documents on grounds of **Section 84 of the Evidence Act** particularly that the documents were not accompanied by a certificate of authentication. Unfortunately, this objection is premature as Petitioner Counsel cannot be appropriating and reprobating at the same time.

Since he has raised an objection that the computer generated documents were not served on him and the court has ruled that same be served on him, objections as to its admissibility can only be taken after the said documents has been served on Respondent Counsel. It is only when the said documents

have been served on Respondent Counsel that the second grounds of objection will be taken. Hence, I reiterate the order that the said DVD and Flash Drive be served on the Petitioner Counsel.

PARTIES: Present

APPEARANCES: C. B. Onuorah appearing with F. Igboanugo for the Petitioner. Ndubuisi Samuel Okochi appearing with Divine T. Nwaoye for the Respondent.

HON. JUSTICE M. OSHO-ADEBIYI
JUDGE
25TH APRIL, 2023