IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT GARKI COURT 10, FCT, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE S. B. BELGORE

MOTION NO: FCT/HC/M/7276/2022

DATE: 21/05/2024

BETWEEN:

BANRUT ROLLS LIMITED   **PLAINTIFF**

AND

MRS. AINA SALAWU   **DEFENDANT**

RULING
(DELIVERED BY HON. JUSTICE S. B. BELGORE)

I have considered this application as briefly as it was moved.

I adverted to the supporting affidavit of the application dated 30th May, 2022 and deposed to by one Isaac Mazo. It is basically of 2 paragraphs.

I have also adverted to the counter affidavit of the Defendant/Respondent as deposed to by Sadi Ahmed. It is of 7 paragraphs and dated 6th June, 2022.

Now, upon a close and hard looks at the two affidavits, the depositions therein are radically and diametrically opposed to each other. The nucleus of the contradictions are as follows;

The supporting affidavit of the application vide paragraph 2(a) and (d) says;

(a) That the Defendant of the commercial bus is the subject matter of this case ……….''

(d) The said commercial bus has been detained by the Respondent since 18th July, 2018.

In glaring contradiction to the above depositions by Mr. Isaac Mazo in this affidavit, Mr. Sadiq Ahmed the deponent of the Defendant's counter affidavit is deposed as follows vide paragraph 4(a) and (c).

(a) The Defendant did not seize any Bus belonging to the Plaintiff at any time.

(c)The Defendant has not detained the vehicle at any time and it is not being detained at all"

So, the crux of the instant application is the issue of whether any vehicle is being detained by the Defendant. I say this, because the principal relief being sought in this application is "release of commercial bus detained by the Defendant"

The above situation being what it is, the law permits me to resolve the conflict by way of oral evidence and that I am free to do.

In short, I hereby call on the parties to call oral evidence to resolve the issue of where the vehicle is and under whose authority it is presently foisted and any other slurring circumstances.

.……….….

S. B. Belgore

(Judge) 21/05/2024