

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT GARKI – F.C.T. – ABUJA**

**CLERK: CHARITY ONUZULIKE**

**COURT NO. 10**

**SUIT NO: FCT/HC/CV/1546/2016**

**DATE: 31/1/2024**

**BETWEEN:**

**HENSEN TRUST LIMITED.....PLAINTIFF**

**AND**

**HADIZA EMILIAH OBALUYE.....DEFENDANT**

**RULING**

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

On the 9<sup>th</sup> of November, 2023, when PW1 was led in evidence that is in examination-in-chief and the learned Counsel sought to be put in evidence a receipt evidencing payment of **N900,000.00** issued by one Abdullah to Opeyemi Oni as for payment of the plot.

Mr. Y. A. Sarki Baba, the learned Counsel to the defendant opposed to the tendering of this receipt on the ground that it was not pleaded. Secondly, it is not front loaded and based on these two grounds he urged the Court to reject the document.

Replying on points of law, Mr. Ike Nzekwue urged the Court to discountenance the objection of the defendant's learned Counsel.

He submitted that the facts in support of the documents was pleaded in paragraphs 4 and 5 of the 2<sup>nd</sup> further amended statement of claim filed on 27/9/2022. He referred the Court to order 15 Rules 2(1) of the Rules of this Court and the cases of **G.N.I.C. LTD VS. LAD GROUPS LTD (1986) 4 NWLR (PT. 33) 72; ODOGWU VS. ODOGWU (1990) 4 NWLR (PT. 143) 233.**

He contended that both authorities are to the effect that once material facts are pleaded, we are not to plead evidence but facts of payment was pleaded so the receipt is admissible.

Interestingly, the defendant's learned Counsel relied on the same authorities and submitted that all documents must be pleaded. And that the Plaintiff pleaded all other documents but excluded this one in issue. I have considered this simple objection. I think the starting point is to see whether this document or facts relevant to this document sought to be put in evidence is pleaded or not.

The position of law is clear, that for any document to be admitted in evidence, such document must satisfy three conditions to wit:

- (a) Whether it is relevant;
- (b) Whether it is pleaded and
- (c) Whether it is admissible.

This is trite law.

Now, going by the averments contained in paragraphs 4 and 5 of the 2<sup>nd</sup> further Amended Statement of Claim which say:

Paragraph 4 says:

***“The Plaintiff avers that Opeyemi Oni had for valuable consideration paid for the purchase of all the interest of One Abdullahi in the said plot MF46”***

Paragraph 5 says:

***“The Plaintiff avers that after Opeyemi Oni paid for the purchase of the said Plot MF46 from Abdullahi, the parties agreed and approached Abuja Municipal Area Council; the Council pursuant to the said agreement of the parties withdrew and cancelled Abdullahi’s letter of Grant and another letter of Grant with file No. OD 651 was issued to Opeyemi Oni”***

With the averments quoted above, it is crystal clear that this document has satisfied the requirements of the law and it is safe to admit this document in evidence and it is so admitted and marked as exhibit .....

.....  
**S. B. Belgore**  
(Judge) 31/1/2024