

**IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE FEDERAL CAPITAL TERRITORY JUDICIAL DIVISION
HOLDEN AT JABI FCT ABUJA**

SUIT NO: CV/2886/2019

BEFORE HIS LORDSHIP: HON. JUSTICE BABANGIDA HASSAN

BETWEEN:

**MR. MICHEAL ABEKHE_____CLAIMAT
AND
MR. LARRY KOINYAN_____DEFENDANT**

RULING

In the course of examination in chief of the claimant's witness PW1, the counsel sought to tender some bundles of receipts along with other documents. The defendant's counsel objected to their admissibility on the grounds that the receipts are not relevant because some of them are written in the name of the claimant while others are written in the name of the company.

In response to the objection, the counsel to the claimant argued that the receipts in issue are relevant and are duly pleaded. He added that the receipts are issued in the name of the company and do not have to be in the name of the claimant to be admissible, and he urged the court to discountenance the objection and admit the documents.

Thus, there are three factors that govern the admissibility of a document in law:

- (a) The document must be pleaded;
- (b) Must be relevant; and
- (c) Must be admissible in law. See the case **of Adeyemi V. OVBA (2017) All FWLR (pt 870) p. 1004.**

To put the issue of the documents being pleaded, the proper recourse must be made to the statement of claim, I looked at the statement of claim and found that the facts surrounding the receipts being sought to be tendered are pleaded in paragraphs 7 and 15 where the claimant alleged

that he made repairs on the property in issue to the knowledge and consent of the defendant with the promise of the letter to be refunded the sums, and to this, these documents have been pleaded, and so long as they are pleaded, they are relevant. See **Oba Oyediran V. Oba Alebiosu II & Anor. (1992) 6 NWLR (pt 249) p. 550.**

The receipts in issue are their original form as required by the Evidence Act, and the issue as to whose name should be on the receipts has to do with the weights to be attached to the receipts, and I am therefore inclined to admit them.

The bundle of receipts are admitted in evidence and are marked as EXH. 'A5'.

Hon. Judge
Signed
15/7/2024

Appearances:

Moses Ideh Esq appeared for the plaintiff.

H.M. Eleshi Esq appeared for the defendant.

CC-CT: May we humbly ask for a date for continuation of hearing.

CT: The matter is adjourned to 25th November, 2024 for continuation of hearing.

Hon. Judge
Signed
15/7/2024