

AFFIDAVIT

AFFIDAVIT EVIDENCE – CONFLICTS IN – Need for oral evidence to resolve conflict – FALOB I V FALOB I 1976 NSCC 576 at 581; AKINSETE V AKINDUTIRE (1966) ANLR 137; UKU V OKUMAGBA 1974 1 ANLR 475 at 496 1974 3 S.C. 35 at 36;

CHAIRMAN N.P.C. V CHAIRMAN IKERE L.G.A. 2001 90 LRCN 2803;
OLU-IBUKUN V OLU-IBUKUN 1974 2 S.C. 41 at 48.

AFFIDAVIT – CONFLICTS – EXCEPTION TO RULE – The only exception to the rule of calling evidence to reconcile conflicting affidavits is where such conflicts are better resolved in the substantive action or suit – NWOSU V IMO STATE ENVIRONMENTAL SANITATION AUTHORITY 1990 2 NWLR Pt. 135 688; FASANU V ADEKOYA 1974 ANLR 32.

AFFIDAVIT – SOURCE OF INFORMATION – Must be stated – MAJA V SAMOURIS 2002 95 LRCN 341.

AFFIDAVIT – UNDISPUTED ALLEGATION OF FACT – Is deemed to have been conceded – MAERSK LINE V ADDIDE INVEST 2002 98 LRCN 1282; FIRST AFRICAN TRUST BANK LTD V BASIL EZEGBU 1994 9 NWLR 149 at 194; OKONGWU V NNPC 1989 4 NWLR 296 at 309; NWABUEZE V N.I.P.O.S.T 2006 8NWLR Pt.983, p.480 at 495.

AFFIDAVITS – CONFLICTS – Should be resolved by calling oral evidence or by hearing the action on the merits – F.S.B. INT. V IMANO NIG. 2000 80 LRCN 2533.

AFFIDAVIT – CONFLICTS – HOW RESOLVED – Can only be resolved by calling oral evidence – FIRST BANK V MAY MEDICAL CLINICS 2001 86 LRCN 1080.

AFFIDAVIT – MINOR CONFLICTS – WHETHER ORAL EVIDENCE REQUIRED – Where the conflicts are not material there will be not need to call oral evidence – L.S.D.P.C V ADOLD/STAMN INT. NIG LTD 1994 7 NWLR Pt. 358, 545, 550; GARBA V UNIVERTY OF MAIDUGURI 1986 1 NWLR Pt. 18, 550; FALOB I V FALOB I 1976. 9 – 10 S.C.I; FIRST BANK V MAY MEDICAL 2001 86 LRCN 1080.

AFFIDAVIT [EVIDENCE](#) – TO CONTAIN ONLY FACTS – NO CONCLUSION LEGAL ARGUMENT OBJECTION OR EXTRANEIOUS MATTER – BAMAIYI V STATE 2001 86 LRCN 1156

AFFIDAVIT – NO COUNTER FILED – FACTS DEEMED [ADMITTED](#) – NWOSU V IMO STATE ENVIRONMENTAL PROTECTION AGENCY 1990 2 NWLR Pt. 135, 688; EGBUNA V EGBUNA 1989 2 NWLR Pt. 106 773, 777.