

## PLEADINGS

PLEADINGS – NO NEED TO PLEAD LAW – UDOH TRADING CO. V ABERE 2001 87 LRCN 1815.

PLEADINGS – STATUTE BAR – NO NEED TO PLEAD LAW OR EVIDENCE ONLY FACTS RELIED UPON – UDOH TRADING CO supra.

PLEADINGS – Pleadings are not amended by address of counsel nor *a fortiori*, by arguments of counsel on appeal – ADONE V IKEBUDU 2001 90 LRCN 2711.

PLEADINGS – FACTS PLEADED EVIDENCE NOT LED – Goes to no issue – HONIKA SAWMILL NIG LTD V HOFF 1994 2 NWLR Pt. 326 266; OLAREWAJU V AFRIBANK PLC 2001 90 LRCN 2764.

PLEADINGS – PARTIES BOUND BY IT – Parties to an action are bound by the pleadings and any thing outside the pleadings cannot be considered – GEORGE V DOMINION FLOUR MILL LTD 1963 1 ANLR 71; N.I.P.C LTD V THE THOMPSON ORGANISATION 1969 1 ANLR 138; NSIRIM V NSIRIM 1990 3 NWLR Pt. 138, 285; IGBINOKPOGIE V OGEDEGBE 2001 92 LRCN 3175 ADENIRAN V ALAO 2001 92 LRCN 3253.

PLEADINGS – STATUTE RELIED ON AS BAR – ILLEGALITY – All these must be specifically pleaded – ONWUCHEKWA V NDIC 2002 94 LRCN 232.

PLEADINGS – GENERAL TRAVERSE – PARTIES BOUND BY – A general traverse casts on the plaintiff the burden of proving the allegations denied –

parties are bound by their pleadings – UGOCHUKWU V UNIPETROL NIG LTD 2002 96 LRCN 836.

PLEADINGS – PARTIES BOUND BY – ITAUMA V AKPE-IME 2000 80 LRCN 2480.

PLEADINGS – NEED TO DENY SPECIFICALLY – OSHODI V EYIFUNMI 2000 80 LRCN 2877

PLEADINGS – PARTIES BOUND – DAMIAN ANYANWU V BRENDAM IWUCHUKWU 2000 82 LRCN 3246.

PLEADINGS – FACTS NOT PLEADED – Go to no issue, evidence erroneously admitted should be discountenanced as it is a nullity – SALAMI V OKE 1987 4 NWLR Pt. 63, 1; EZEWANI V ONWORDI 1986 4 NWLR Pt. 33, 27; SODIPO V LEMMINKAINED 1985 2 NWLR Pt. 8, 547; NSIRIM V ONUMA CONSTRUCTION CO 2001 85 LRCN 974.

PLEADINGS – EFFECT OF FAILURE TO LEAD EVIDENCE – Party is deemed to have accepted the facts in dispute supported by evidence – INTERNATIONAL BANK V IMANO 2001 85 LRCN 995.

PLEADINGS – FACTS PLEADED – ADMITTED BY OTHER PARTY – Needs no further proof – UWEGBA V A.G BENDEL 1986 1 NWLR Pt. 16 303; EDOKPOLO & CO LTD V OHENHEN (1994) 23/24 LRCN 80; 1994 7 NWLR Pt. 358 511; ASAFA FOODS V ALRAINE NIG 2002 99 LRCN 1517.

PLEADINGS – NEED FOR PROPER TRAVERSE – ASAFA FOODS supra.

PLEADINGS – FACTS NOT PLEADED – Evidence goes to no issue – WEST AFRICAN BREWERIS V SAVANNAH 2002 100 LRCN 1758.

PLEADINGS – FRAUD – NEED TO PLEAD – A party cannot rely on allegation of fraud where the allegation is based on facts not pleaded – OMORHIRHI V ENATEVWERE 1988 19 Pt. 1 NSCC 909; WEST AFRICAN BREWERIES V SAVANNAH 2002 100 LRCN 1758.

PLEADINGS – POINTS OF LAW – Party can raise a point of law on pleaded facts – WEST AFRICAN BREWERIES supra.

PLEADINGS – EVIDENCE AT VARIANCE – Goes to no issue – ADELEKE V IYANDA 2001 LRCN 2162 ; DIKE V NZEKA (1986) 4 NWLR Pt.34, p.144. BUT COURT CAN ACT ON EVIDENCE WHICH THOUGH NOT AT VARIANCE, DOES NOT TALLY WITH MATHEMATICAL EXACTITUDE WITH THE PLEADINGS –ABIBO V TAMUMO (1999) 4 NWLR Pt. 599,p.334 at 339 ; GUSAU V AKPATA (2001)FWLR Pt.30, p.2573 at 2575.

PLEADINGS – JOINDER OF ISSUES – Issues are joined on the pleadings when an averment has been denied or traversed – AKOSE V NWOSU 1997 1 NWLR Pt. 482 478 LEWIS & PEAT V AKHIMIEN 1976 SC 57; NWADIOGBU V NNADOZIE 2001 88 LRCN 2247.

PLEADINGS – EXHIBIT – FACTS CONTAINED NOT PLEADED – A court cannot use unpleaded facts contained in an Exhibit except such facts qualify as legally admissible opinion evidence – NTEOGBWUILE V OTUO 2001 88 LRCN 2357.

PLEADINGS – NOT EVIDENCE – Failure to give evidence to support pleadings means an acceptance of the facts in evidence the general traverse notwithstanding – FCDA V NAIBI 1990 3 NWLR Pt. 130 270 at 281; UBN LTD V OGBOH 1995 2 NWLR Pt. 380 647; INSURANCE BROKERS OF NIG V A.T.M LTD 1996 8 NWLR Pt. 466, 316 at 327; INTERNATIONAL BANK V IMANO 2001 85 LRCN 995.

PLEADINGS – EVIDENCE – RELIEFS CLAIMED – DUTY OF WITNESS TO RECITE – It is not the duty of the plaintiff to recite his claims when giving evidence. It is the duty of his counsel to say so in his submission – JEKPE V ALOKWE 2001 86 LRCN 1026.

AMENDMENT OF PLEADINGS – PRINCIPLES – The court will not allow amendment of pleadings which will overreach the other party or which is mala fide. A party who seeks an amendment must show the materiality of the amendment – DOMINION FLOUR MILLS V IGBO LLR 53; ALSTHOM S.A. V SARAHI (2002) FWLR Pt.28, p.2267.