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Proof of Documents and the Best Evidence Rule: Foundations, Evolution, and Contemporary Relevance in An Age of Digital Evidence

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Abstract: *The best evidence rule, historically understood as the requirement to produce the original of a document when its contents are in issue, stands as one of the oldest and most debated principles of the law of evidence. Originating in the eighteenth century decisions of the common law courts of England, the rule was designed to prevent fraud and error in an era when the copying of documents was a slow, imprecise, and easily corrupted process. In contemporary legal practice, however, the rule confronts a transformed documentary landscape — one defined by electronic records, digital signatures, cloud-stored data, metadata, and documents that exist in multiple identical originals simultaneously. This paper undertakes a comprehensive examination of the best evidence rule alongside the broader doctrinal framework governing proof of documents. It traces the historical origins of the rule, maps its codification across common law jurisdictions, analyses the exceptions and qualifications that have significantly attenuated its scope, and interrogates its fitness for purpose in the digital age. Drawing on English, American, Indian, Nigerian, and Australian jurisprudence and statutory frameworks, the paper argues that the best evidence rule, properly understood, is not a rule about originals at all: it is a rule about reliability. This recharacterisation yields a principled framework for extending the rule to digital environments, where authenticity and integrity — not physical originality — are the cardinal values. The paper further examines how courts approach the proof of public and private documents, the role of presumptions, the doctrine of secondary evidence, and the intersection of documentary proof with electronic evidence legislation. It concludes with recommendations for statutory reform.* .

Keywords: best evidence rule; proof of documents; primary evidence; secondary evidence; electronic records; digital evidence; authenticity; original document; admissibility; documentary hearsay

I. INTRODUCTION

Few principles of the law of evidence have attracted as much judicial commentary, scholarly criticism, and legislative intervention as the best evidence rule. In its classical formulation, the rule requires that when the contents of a document are in issue, the original document must be produced in evidence; secondary evidence of those contents — including oral testimony about what the document said, or copies of it — is inadmissible unless the original's absence is satisfactorily explained. The rule is ancient. Its lineage traces to decisions of English common law courts in the seventeenth and early eighteenth centuries, and its rationale was perfectly intelligible in an age when documents were hand-copied, when errors and deliberate alterations were common, and when there was no reliable mechanism for ensuring that a copy faithfully reproduced its original.

The rule has not aged gracefully. Critics from Wigmore onwards have challenged its logical foundations, its practical utility, and its disproportionate cost in terms of excluded evidence. Courts in many jurisdictions have responded by

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progressively limiting its scope through exceptions, qualifications, and legislative reform. In England, the rule has been substantially abolished for civil proceedings. In the United States, the Federal Rules of Evidence recast it as a rule of "original writings," significantly broadening the circumstances in which duplicates are admissible. In India and Nigeria, the rule survives in statutory form but has been considerably attenuated by judicial interpretation and, more recently, by electronic evidence legislation.

Yet the rule retains contemporary significance. The proliferation of digital documents — email chains, electronic contracts, scanned PDFs, blockchain records, encrypted files — raises new questions about what constitutes an "original," what counts as a reliable "copy," and how courts should evaluate the authenticity of documents that exist only in digital form. These questions cannot be answered satisfactorily by simply applying the classical best evidence rule.

They demand a reconceptualisation of the underlying principle — and that reconceptualisation is one of the central aims of this paper.

The paper proceeds as follows. Part II traces the historical origins and rationale of the best evidence rule. Part III examines the classification of documentary evidence and the mechanisms for its proof. Part IV analyses the rule's codification and judicial development across selected jurisdictions. Part V considers the extensive body of exceptions to the rule. Part VI addresses the rule's application — and the challenges it faces — in the context of electronic evidence. Part VII proposes a reformulated principle. Part VIII concludes.

II. HISTORICAL ORIGINS AND RATIONALE OF THE BEST EVIDENCE RULE

A. Early Common Law Development

The origins of the best evidence rule are conventionally traced to the decision of the Court of King's Bench in Omychund v. Barker,1 decided in 1745, though its antecedents lie in earlier practice. Lord Harwicke's famous dictum — that "the best evidence the nature of the case will admit of" must be produced — encapsulated a broad evidentiary philosophy: courts should not accept inferior evidence when superior evidence is available. In the context of documents, the application of this philosophy was straightforward: if the original document exists, it is the best evidence of its contents, and secondary evidence of those contents — copies, oral testimony — must be excluded.

The rule served multiple purposes in its original context. First, it guarded against the deliberate falsification of copies, which was a genuine practical concern in an era of manual transcription. Second, it protected against innocent errors of copying, which might distort the meaning of a document in subtle but legally significant ways. Third, it gave the opposing party and the court the opportunity to inspect the original, to assess its physical condition, its signatures, its erasures and alterations, in a way that a copy could not permit. These were intelligible and legitimate concerns, and the rule addressed them adequately for its time.

B. Wigmore's Critique and Its Legacy

The most sustained and influential critique of the best evidence rule was mounted by the American evidence scholar John Henry Wigmore, who characterised it as the product of historical accident rather than principled reasoning.2 Wigmore argued that the rule, in its classical formulation, was both over-inclusive (excluding copies that were entirely reliable) and underinclusive (doing nothing to ensure the reliability of originals, which might themselves be forgeries). He proposed that the rule should be understood not as a rule about originals, but as a rule against oral testimony about the contents of documents — on the ground that oral testimony is inherently less reliable than the document itself. Even this narrower formulation, he argued, was of doubtful utility.

Wigmore's critique was influential in shaping the reform of the rule in the United States and, indirectly, in other common law jurisdictions. The Federal Rules of Evidence, adopted in 1975, partially heeded his analysis: Rule 1002 retains a preference for originals, but Rule 1003 provides that duplicates are admissible to the same extent as originals unless a genuine question about the original's authenticity is raised or admission of the duplicate would be unfair. This represented a substantial liberalisation, though the rule was not abolished entirely.

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C. The Rationale in Contemporary Perspective

The contemporary rationale for the best evidence rule — to the extent that it retains a distinct rationale — must be reformulated. The original concerns about copying errors and deliberate falsification are largely addressed, for physical documents, by modern reprographic technology. A photocopy, a scanned image, or a digitally reproduced document can reproduce the original with perfect fidelity. The question of falsification has not disappeared, but it is addressed more effectively by the law of authentication than by a rule requiring production of the original.

For electronic documents, the position is more complex. An electronic document has no "original" in the physical sense: it is a sequence of bits that can be copied perfectly and infinitely, and the copy is in every respect identical to the "original." The concept of originality is simply inapplicable. What matters, in the electronic context, is not whether the document is the original but whether it is authentic — whether it is what it purports to be — and whether it is complete and unaltered. These are questions of integrity and authentication, not of originality, and they call for different doctrinal tools.

III. CLASSIFICATION OF DOCUMENTS AND MECHANISMS FOR THEIR PROOF

A. Public and Private Documents

The law of evidence draws a fundamental distinction between public and private documents, a distinction that pervades both the admissibility and the proof requirements applicable to documentary evidence. A public document is one made for the purpose of the public making use of it, and being able to refer to it.3 The category includes Acts of Parliament, judicial records, public registers, official government correspondence, and documents created by public officers in the exercise of their public duties. Private documents are all documents that do not fall within this category.

The distinction has important practical consequences. Public documents are generally admissible without the need to produce the original or to call the maker to testify. They may be proved by certified copies, office copies, or printed official versions. The Evidence Act 2011 (Nigeria), Part IV, ss. 102–117, provides detailed rules governing the proof of public documents, including Acts of the National Assembly, judicial records, public registers, and maps and charts prepared by public authority. The Indian Evidence Act 1872, ss. 74–78, contains broadly analogous provisions, reflecting the common legislative heritage of the two systems.

Private documents, by contrast, must generally be proved by the original document or, where the original is not available, by admissible secondary evidence. The maker of a private document may need to be called to authenticate it, though authentication may also be achieved by other means, including proof of handwriting, circumstantial evidence, and, increasingly, digital authentication mechanisms such as electronic signatures.

B. Primary and Secondary Evidence

In jurisdictions that have codified the best evidence rule — particularly India and Nigeria — the foundational distinction is between primary and secondary evidence of a document. The Indian Evidence Act 1872, s. 62, defines primary evidence as the document itself produced for the inspection of the court. Secondary evidence is defined by s. 63 to include certified copies given under the Act; copies made from the original by mechanical processes which in themselves ensure the accuracy of the copy; copies made from or compared with the original; counterparts of documents as against the parties who did not execute them; and oral accounts of the contents of a document given by some person who has himself seen it.

The Nigerian Evidence Act 2011, ss. 86–87, replicates this structure with minor variations. The primary evidence rule — which requires the production of the document itself — is subject to a catalogue of exceptions set out in s. 89, permitting the admission of secondary evidence where the original is in the possession of the adverse party, has been destroyed or lost, is not easily movable, is a public document, or where the original is an entry in a banker's book. These exceptions are examined in detail in Part V below.

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C. Proof of Execution and Attestation

The proof of a document involves two conceptually distinct inquiries: proof of contents and proof of execution. Proof of contents is the concern of the best evidence rule. Proof of execution — that the document was made by the person who purports to have made it, and in the circumstances claimed — is the concern of the authentication doctrine. For many documents, both inquiries arise simultaneously. A disputed will, for example, may require proof both of its contents (what it says) and of its execution (that the testator signed it with the requisite knowledge and intent, in the presence of the requisite witnesses).

Attested documents — documents that are required by law to be attested by a witness — raise particular proof requirements. At common law, the attesting witness must generally be called to prove the document unless all attesting witnesses are dead, outside the jurisdiction, incapable of testifying, or cannot be found after reasonable search. The Nigerian Evidence Act 2011, s. 100, and the Indian Evidence Act 1872, s. 68, codify this requirement, subject to analogous exceptions. In the case of registered documents, however, the registration itself may serve as evidence of due execution, substantially reducing the evidentiary burden.

IV. CODIFICATION AND JUDICIAL DEVELOPMENT ACROSS JURISDICTIONS

A. England and Wales

The best evidence rule in its original common law form has been substantially abolished in England for civil proceedings. The Civil Evidence Act 1995 abolished the rule against hearsay in civil proceedings and, with it, the evidential significance of the distinction between original and copy documents. Section 8 of that Act provides that where a statement in a document is admissible as evidence in civil proceedings, it may be proved by producing the document or, where it is not reasonably practicable to produce it, by producing a copy of the document or of the material part of it, authenticated in such manner as the court may approve. The concept of the "original" has thus been displaced, in civil proceedings, by the more functional concept of the "authenticated copy."

In criminal proceedings, the position is more complex. The common law best evidence rule continues to apply in principle, but its practical impact has been significantly reduced by judicial willingness to admit copies where the accuracy of the copy is not in dispute and where no prejudice to the accused has been demonstrated. In R v. Governor of Pentonville Prison, ex parte Osman,4 the Divisional Court confirmed that the rule is not absolute and that a copy may be admitted where the original cannot reasonably be produced. The Criminal Justice Act 2003 further liberalised the admission of documentary hearsay in criminal proceedings, though the requirement to produce originals was not expressly addressed.

B. United States

The Federal Rules of Evidence, Article X (Rules 1001–1008), govern the "original writings, recordings, and photographs" rule — the American reformulation of the best evidence rule. Rule 1001 provides expansive definitions of "original" and "duplicate." Crucially, Rule 1001(e) defines an "original" of an electronic record as any printout — or other output readable by sight — that accurately reflects the record. This definitional move largely sidesteps the metaphysical difficulty of identifying the "original" of an electronic document: any accurate printout is an original.

Rule 1003 provides that a duplicate is admissible to the same extent as an original unless (1) a genuine question is raised about the original's authenticity, or (2) the circumstances make it unfair to admit the duplicate. The practical effect is that the burden has shifted: originals are preferred but duplicates are presumptively admissible. Only where authenticity is genuinely contested — or where admission of the copy would be specifically unfair — does the court need to insist on the original. This represents a substantial departure from the classical rule.

C. India

The Indian Evidence Act 1872 contains one of the most detailed statutory treatments of the best evidence rule in any common law jurisdiction. Section 91 provides that when the terms of a contract, grant, or other disposition of property,

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or any matter required by law to be reduced to the form of a document, are in question, no evidence shall be given in proof of the terms of such contract, grant or other disposition, except the document itself. Section 92 provides that when such a document has been proved, no evidence of any oral agreement shall be admitted as between the parties thereto or their representatives in interest.

These provisions have generated an extensive body of Indian case law. In J. Yashoda v. K. Shobha Rani,5 the Supreme Court of India confirmed that ss. 91 and 92 are in the nature of exclusionary rules: they bar the admission of extrinsic evidence to add to, vary, or contradict the terms of a document that has been reduced to writing. However, the courts have carved out significant exceptions, including the admission of evidence of surrounding circumstances for the purpose of construing ambiguous terms, and evidence of collateral facts not inconsistent with the document. The rule, as applied in India, is thus more nuanced than its statutory text suggests.

D. Nigeria

Nigerian evidence law, governed primarily by the Evidence Act 2011, adopts a structure closely modelled on the Indian Evidence Act but updated to address the realities of modern documentary practice. The Act distinguishes between documents admissible under Part IV (documentary evidence generally) and electronic records admissible under Part V. Section 84 provides for the admissibility of computer-generated documents, subject to conditions relating to the proper operation of the computer, the regularity of the use of the computer, and the accuracy of the information supplied. These conditions, modelled on provisions that have since been reformed in England, have been criticised as both technically imprecise and unduly burdensome in practice.

The courts have nonetheless shown a pragmatic willingness to admit electronic evidence where the conditions of s. 84 are substantially met, even if not perfectly satisfied. In Kubor v. Dickson,6 the Supreme Court of Nigeria held that the admissibility of electronically stored information should be approached purposively, with courts focusing on the reliability and integrity of the evidence rather than strict compliance with technical formalities. This approach aligns with the broader trend, observed across jurisdictions, of moving from form-based to reliability-based standards for documentary evidence.

E. Australia

The Uniform Evidence Law of Australia, enacted in the Evidence Act 1995 (Cth) and adopted in most states and territories, takes a distinctly modern approach to documentary proof. The concept of the "best evidence rule" is not retained as such; instead, Part 2.2 governs the proof of the contents of documents through a framework built around "documents" (broadly defined to include any record of information) and "copies." Section 51 of the Act effectively abrogates the best evidence rule: it provides that the party seeking to adduce evidence of the contents of a document may do so by tendering the document itself or by other means, subject to the court's power to require production of the document if it is available.

The Australian approach is instructive because it demonstrates that the functional objectives of the best evidence rule — ensuring reliability and preventing fraud — can be achieved without the rigid insistence on originals. By placing the emphasis on the availability and authenticity of the document, rather than on its status as an "original," the Australian framework is well-suited to the digital environment.

V. EXCEPTIONS TO THE BEST EVIDENCE RULE

A. Loss or Destruction of the Original

The most widely recognised exception to the best evidence rule is the case where the original document has been lost or destroyed. Where a party can demonstrate, by credible evidence, that the original existed, that it cannot now be produced after diligent search, and that its loss or destruction was not due to the party's own fraud or negligence, secondary evidence of its contents is admissible. The standard of proof required for this foundation varies: in some jurisdictions it is balance of probabilities, while in others it is a lower prima facie standard. In Kajola v. Deibi,7 the

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Nigerian Court of Appeal confirmed that the party seeking to adduce secondary evidence must lay a proper foundation by establishing the existence of the original and the reason for its nonproduction.

The doctrine of loss presents particular difficulties in the electronic context. An electronic file may be "lost" through deletion, corruption, server failure, or the obsolescence of the software needed to access it. Courts have generally held that the loss of an electronic file, properly explained, may satisfy the foundation requirement for secondary evidence, just as the loss of a paper document would. However, where the party had control over the electronic system and the loss occurred through negligence, courts may draw adverse inferences or impose sanctions, particularly where the loss is characterised as spoliation.

B. Original in Possession of Adverse Party

Where the original document is in the possession of the opposing party and that party, having been given proper notice to produce it, fails to do so, the party requiring the document may adduce secondary evidence of its contents. This exception, codified in the Evidence Act 2011 (Nigeria), s. 89(a), and the Indian Evidence Act 1872, s. 66, reflects a common sense principle: a party should not be allowed to exploit their possession of the original as a shield against proof of its contents. Notice to produce is a prerequisite, though courts have held that where the party in possession is aware of the need for the document — as may be inferred from the nature of the proceedings — formal notice may not be strictly required.

C. Public Documents

As noted in Part III above, public documents may generally be proved by certified copies, office copies, or other means authorised by statute, without production of the original. This exception is well-established and reflects practical necessity: public registers, court records, and official documents are retained in official custody and cannot reasonably be produced in court for every proceeding in which they are relevant. The integrity of such documents is guaranteed by the accountability of the public officer who maintains them, and certified copies carry a statutory presumption of accuracy.

D. Documents Voluminous in Nature

Where the original documents are so voluminous that it would be impractical to produce all of them, courts have accepted summaries or schedules as secondary evidence. This exception, recognised at common law and codified in Rule 1006 of the Federal Rules of Evidence (United States), is particularly important in commercial litigation involving large volumes of financial records, correspondence, or data. The underlying requirement is that the originals must be made available for inspection by the opposing party and, if necessary, for examination by the court.

VI. THE BEST EVIDENCE RULE AND ELECTRONIC DOCUMENTS

A. The Problem of Digital Originality

The application of the best evidence rule to electronic documents raises foundational difficulties that classical doctrine is ill-equipped to resolve. A digital document — a wordprocessing file, a spreadsheet, an email, a database record — is not a physical object but a pattern of binary data. It can be copied perfectly, stored in multiple locations simultaneously, and transmitted across networks without loss of fidelity. The concept of an "original" presupposes that there is a single, definitive version of the document from which all copies are derived. In the digital environment, this presupposition is false.

Courts and legislatures have responded to this difficulty in different ways. The American Federal Rules of Evidence, as noted above, define an "original" of an electronic document as any accurate printout or output. The UNCITRAL Model Law on Electronic Commerce, which has influenced legislation in many jurisdictions, adopts a functional equivalence approach: a data message is the functional equivalent of a paper document if it satisfies the same requirements of reliability, integrity, and accessibility. The Nigerian Evidence Act 2011, s. 84, adopts a computer certificate approach: a

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statement produced by a computer is admissible if accompanied by a certificate from a responsible official attesting to the conditions of production.

B. Authentication of Electronic Documents

Authentication — the proof that a document is what it purports to be — is the key challenge for electronic evidence. A paper document carries physical indicia of authenticity: handwriting, signatures, letterheads, paper quality, ink. An electronic document carries no such indicia and can be altered without trace, unless specific integrity mechanisms are in place. The principal mechanisms for authenticating electronic documents include digital signatures (which use cryptographic techniques to bind a document to a particular key and thereby to its holder); metadata analysis (which may reveal when a document was created, modified, or accessed); hash values (which provide a mathematical fingerprint of a document's content at a given point in time); and chain of custody evidence (which demonstrates the continuity of control over the document from creation to production in court).

Courts in England, in the United States, and in Commonwealth jurisdictions have increasingly accepted these technical authentication mechanisms. In Lorraine v. Markel American

Insurance Co.,8 an influential decision of the United States District Court for the District of Maryland, Magistrate Judge Grimm provided an exhaustive analysis of the authentication requirements for electronic evidence and endorsed a multi-factor approach that draws on metadata, circumstantial evidence of authorship, and reply-chain analysis. This approach has been widely cited and represents the emerging consensus on the authentication of electronic documents.

C. Electronic Signatures and Contractual Documents

The proof of contracts executed by electronic signature raises specific issues at the intersection of the best evidence rule and electronic commerce legislation. Statutes such as the

Electronic Transactions Act (South Africa), the Electronic Commerce Act 2000 (Ireland), the

Electronic Transactions Act 2001 (Nigeria), and the Electronic Signatures in Global and National Commerce Act (United States) generally provide that an electronic signature has the same legal effect as a handwritten signature, and that a contract may not be denied legal effect solely because it is in electronic form.

For evidentiary purposes, the party relying on an electronically executed contract must authenticate the electronic signature — that is, demonstrate that it was made by the person charged with having made it, with the requisite intent. Authentication may be achieved by evidence of the technical processes used to create and affix the signature (including audit logs and certificate records from a certification authority), by circumstantial evidence of the parties' conduct, or by the absence of any challenge to the signature at the relevant time. The best evidence rule, in this context, requires production of the electronic record of the signed contract, which may take the form of an authenticated digital file or a certified printout.

VII. TOWARDS A REFORMULATED PRINCIPLE: RELIABILITY AS THE TOUCHSTONE

The analysis undertaken in this paper supports the conclusion that the best evidence rule, properly understood, is not a rule about originals. It is a rule about reliability. The classical insistence on originals was a proxy for reliability: in the era of manual copying, the original was more reliable than any copy because it was free from copying errors and hard to falsify without detection. As that proxy has been rendered obsolete by technology, what remains is the underlying value: evidence of documentary contents should be as reliable as the nature of the case permits.

A reformulated best evidence principle, adapted for contemporary practice, might be stated as follows: where the contents of a document are in issue, the court should receive the most reliable evidence of those contents that is reasonably available. Reliability is assessed by reference to the accuracy of reproduction, the absence of tampering or alteration, the availability of the original for comparison, and the adequacy of the authentication foundation. Where a copy or reproduction is demonstrably accurate — as attested by technical evidence, certification, or the absence of any

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genuine dispute — it should be received as freely as the original. Where authenticity or integrity is genuinely contested, the court should require the best available evidence of the document's original form and content.

This reformulation has several advantages. It dispenses with the metaphysically problematic concept of "originality" in the electronic context. It aligns the best evidence rule with the authentication doctrine, treating them as two aspects of the same underlying inquiry into reliability. It is technology-neutral: it applies equally to paper documents, electronic files, blockchain records, and documentary forms not yet invented. And it preserves the core protective function of the rule — preventing fraud and error — without imposing unnecessary formal requirements that serve no protective purpose.

Legislation to give effect to this reformulated principle should, in the authors's submission, provide: (1) that evidence of the contents of a document may be given by any means that accurately represents the document; (2) that where the accuracy of the representation is not in dispute, no further foundation is required; (3) that where the accuracy is in dispute, the court may require production of the original or additional authentication evidence; (4) that for electronic documents, authentication may be established by technical evidence of integrity (including hash values, digital signatures, and audit logs), by certification by a responsible officer, or by circumstantial evidence; and (5) that the court retains a residual discretion to require the best available evidence where justice so requires.

VIII. CONCLUSION

The best evidence rule is one of the most ancient and most criticised rules in the law of evidence. Its original rationale — the prevention of fraud and error in document copying — has been substantially superseded by technological developments. Yet the rule retains relevance as an expression of the principle that courts should receive the most reliable evidence of documentary contents that is reasonably available. The challenge for contemporary doctrine is to translate that principle into rules that are fit for purpose in a digital age.

The comparative analysis presented in this paper reveals a clear trajectory across common law jurisdictions: from rigid insistence on the physical original, through progressively widened exceptions, towards a functional, reliability-based approach that treats originals and accurate copies on an equal footing and addresses the authentication of electronic documents through technical rather than physical criteria. Australia's abrogation of the rule, England's de facto abolition for civil proceedings, and the United States' reformulation in Article X of the Federal Rules of Evidence represent different points on this trajectory.

Jurisdictions such as Nigeria and India, which retain a codified best evidence rule, face the particular challenge of adapting nineteenth-century statutory language to twenty-first century documentary realities. Electronic evidence provisions, such as s. 84 of the Nigerian Evidence Act 2011, are a step in the right direction but require further refinement to address the full range of digital evidentiary challenges. The reformulated principle proposed in Part VII of this paper provides a framework for that further development — one that is principled, technology-neutral, and rooted in the core values that the best evidence rule has always sought to protect.

The proof of documents in modern litigation is ultimately a question of trust: trust in the integrity of the documentary record and trust in the reliability of the evidence presented to the court. The law's task is to provide mechanisms — doctrinal, procedural, and technical — that justify that trust. Whether through the best evidence rule, the authentication doctrine, or the emerging law of electronic records, that task remains as important in the digital age as it ever was.

FOOTNOTES

1 Omychund v Barker (1745) 1 Atk 21, 49; 26 ER 15 (Lord Hardwicke LC).

2 John Henry Wigmore, A Treatise on the Anglo-American System of Evidence in Trials at Common Law (3rd edn, Little Brown 1940) vol 4, §§ 1174–1282.

3 Mortimer v M'Callan (1840) 6 M & W 58, 68 (Parke B).

4 R v Governor of Pentonville Prison, ex parte Osman [1990] 1 WLR 277 (DC).

5 J Yashoda v K Shobha Rani (2007) 5 SCC 730 (SC India).

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6 Kubor v Dickson [2012] 18 NWLR (Pt 1331) 1 (SC).
7 Kajola v Deibi (2005) 3 NWLR (Pt 912) 258 (CA).
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