
"Estoppel is an admission, or something which the law views as equivalent to an admission. By its very nature, it is so important, so conclusive, that the party whom it affects is not allowed to plead against it or adduce evidence to contradict it".

- 1.13 A similar illuminating view of the nature of estoppel was succinctly expressed in the case of **BASIL vs. HONGER, 14 WACA 569 @ 572**, per Coussey, J.A.:

"Estoppel prohibits a party from proving anything which contradicts his previous acts or declarations..... It shuts the mouth of a party."

- 1.14 The Claimants are therefore in the circumstances of the admissions and concessions by the Defendant relieved from proving whether or not the act in question was by the negligence of the Defendant. In the case of **INNTRACO UNIVERSAL SERVICES LIMITED vs. UNION BANK (2020) LPELR – 49588 (CA)**, the Court of Appeal, per Ogbuinya JCA dealing with the nature of an admission and whether it is the best evidence against the party making it and whether admitted facts need further proof, held at pages 33-35, Paras F - D:

"In the mind of the law, admission connotes a statement, oral or documentary made by a party which suggests any inference as to any fact in issue or relevant fact, see Section 20 of the Evidence Act, 2011; UBA Plc. v. Jargaba (2007) 11 NWLR (Pt. 1045) 237; Oguanuhu v. Chiegboka (2013) 6 NWLR (Pt. 1351) 588. It "is a concession or voluntary acknowledgement made by a party of the existence of certain facts; a statement made by a party of the existence of a fact which is relevant to the cause of his adversary; a voluntary acknowledgement made by a party of the existence of the truth of certain facts which are inconsistent with his claims in an action", see Adusei V. Adebayo (2012) 3 NWLR (Pt. 1288) 534 at

HARDSHIP, TRAUMA, FINANCIAL LOSSES AND EXPENSES ON THE CLAIMANTS?

1.10 **Arguments:**

- 1.11 We submit most respectfully that the Defendant by its various admissions and apologies have admitted their error or negligence in the automated report (Exhibit DH) it sent to the (Nigerian Financial Intelligence Unit) NFIU about the 1st Claimant's account. We refer your Lordship to the Defendant's Letter dated September 11, 2020 (Exhibit DA) and the 3 (three) newspaper publications of Guardian, Daily Trust and Business Day Newspapers of 13th September 2020 admitted in evidence as Exhibits "DB", "DC" and "DD" respectively. In these documentary pieces of evidence, the Defendant owned up to its error/mistake/negligence, which resultantly occasioned damages against the Claimants. The DW2 also confirmed this fact under cross-examination thus:

"XXX: - Are you aware that the bank apologized to the 1st and 2nd Claimants?"

Ans:- Yes.

Section 21(1) of the Evidence Act 2011 provides:

"21. (1) Statements made by a party to the proceeding or by an agent to any such party, whom the court regards, in the circumstances of the case, is expressly or impliedly authorised by him to make them, are admissions."

- 1.12 We submit and it is now trite law that what is admitted needs no further proof. The Defendant having expressly admitted its error/mistake is estopped from contending otherwise. Expatiating on the nature and the far-reaching effect of admissions and the plea of estoppel, His Lordship Ibekwe JSC (of blessed memory) in the case of **YOYE vs. OLABODE &ORS (1974) 9 N.S.C.C. 409** opined at **page 414:**

the 1st Claimant, the Claimants were placed under criminal/financial investigation by the Nigerian Financial Intelligence Unit (NFIU) and other security agencies, since the year 2016, and suffered untold hardships by investigation by the Presidential Investigation Committee which sat at the Presidential Villa, Abuja and later the good name of the 2nd Claimant was publicly dragged to the mud in the media in consequence of the said false report of the Defendant.

- 1.4 The Claimants offered the Defendant an opportunity to amicably settle this matter out of court, as the Defendant had publicly admitted its error in generating a false weekly automated report to the Nigerian Financial Intelligence Unit (NFIU) which offer the Defendant out of impunity ignored, hence this suit.
- 1.5 The kernel of the Claimants' suit is anchored firmly on the negligence of the Defendant in generating a false weekly automated report to the Nigerian Financial Intelligence Unit (NFIU), which false report has occasioned untold hardships, trauma and great financial losses on the Claimants.
- 1.6 **Review of the Evidence:**
- 1.7 The Claimants testified through the PW 1, while the Defendants called 3 witnesses, DW1, DW2, and DW3. We shall refer to the relevant specific evidences of these witnesses in the body of our address.
- 1.8 **Issue for determination:**
- 1.9 By the settlement of issues made pursuant to Order 27(1) of the Rules of this Honourable Court filed on the 12th day of October 2020, the Claimants distilled a sole issue for determination, to wit:

WHETHER THE CLAIMANTS ARE NOT ENTITLED TO DAMAGES IN THE LIGHT OF THE ADMISSIONS OF ERROR/NEGLIGENCE BY THE DEFENDANT, WHICH ERROR/NEGLIGENCE OCCASIONED

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

SUIT NO: FCT/HC/CV/2541/2020

BETWEEN:

1. DIVINE HAND OF GOD PROPHETIC MINISTRY
2. PROPHET (DR.) EMMANUEL OMALE
3. PASTOR (MRS.) DEBORAH OMALE..... CLAIMANTS

AND:

FIRST CITY MONUMENT BANK PLC..... DEFENDANT

CLAIMANTS' FINAL WRITTEN ADDRESS

1.0 **Introductory facts:**

- 1.1 The 1st Claimant maintains a Corporate Current Account Number: 1486743019 with the Defendant, while the 2nd and 3rd Claimants are the operators/signatories of the said account being the trustees of the 1st Claimant.
- 1.2 Sometime in the year 2016, the Defendant negligently and falsely in its computer system generated weekly automated report to the Nigerian Financial Intelligence Unit (NFIU) alerted the Nigerian Financial Intelligence Unit (NFIU) of a "suspicious" credit inflow of N573, 228, 040. 41 (Five Hundred and Seventy-Three Million Naira, Two Hundred and Twenty-Eight Thousand, Forty Naira and 41 kobo) into the 1st Claimant's Corporate Current Account No: 1486743019 in line with the Money Laundering Prevention Act; the Economic and Financial Crimes Act and the Terrorism Prevention Act, which mandates the Defendant to report any suspicious financial transaction of its customers.
- 1.3 Pursuant to the said false automated report by the Defendant to the Nigerian Financial Intelligence Unit (NFIU), concerning

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