

**IN THE HIGH COURT OF JUSTICE OF NIGER STATE IN THE HIGH  
COURT OF JUSTICE OF NEW BUSSA JUDICIAL DIVISION HOLDEN AT  
NEW BUSSA**

**ON WEDNESDAY THE 25<sup>TH</sup> DAY OF MARCH 2026 AT 9:00AM**

**BEFORE HIS LORDSHIP:-**

**HON. JUSTICE ADAMU ABUBAKAR.....PRESIDING JUDGE**

**RECORD OF PROCEEDINGS**

**SUIT NO: NSHC/NB/09/2025**

1. **Abubakar Mohammed Maigada** (*for himself and on behalf of Guzan Community*)
2. **Muhammad Kudu** (*for himself and on behalf of Wuchi Community*)

**Vs**

**Mainstream Energy Solution Limited**

**Parties:** **Plaintiffs are in court, while the defendant absent in court.**

**Appearances:** **Dr. Dayo Ashonibare for the plaintiffs; B.S Akinwumi for the defendant.**

**Dr. Dayo:** The matter is coming up before my Lord for the 1<sup>st</sup> time. Though, before now, we agreed with your learned brother to conduct the Pre trial conference and proceed with the hearing of this case subject to the convenience of the court since we are coming from a far we pray this court to proceed with PTC and hearing. All our witnesses are in court and ready to testify.

**B.S Akinwumi:** We have no objection to the oral application of the plaintiffs' counsel. Subject to the convenient of the court, we are also ready for the court to proceed with the P T C and hearing as earlier agreed.



Court: Since the matter is coming up before me for the 1<sup>st</sup> time as rightly posited by the plaintiffs' counsel, it means the matter is commencing de novo, a new or a fresh. Thus, the normal rituals regarding commencement of a suit shall be made in order to put the proceeding on a valid pedestal.

Dr. Dayo: We have an application by way of motion on notice, dated the 21<sup>st</sup> July, 2025 but filed on the 24<sup>th</sup> October, 2026. Our application is seeking the leave of this court to bring in additional witness.

Court-B.S. Akinwumi: Any objection to the application of the plaintiff's counsel?

B.S Akinwumi: No objection.

Dr. Dayo: In the absence of any objection to our application, we therefore move our application on its terms and urge the court to grant our application.

Court: The application of the plaintiffs by way of motion on notice, dated the 21<sup>st</sup> July 2025 and filed on the 24<sup>th</sup> October, 2026 where in the applicants are seeking for the leave of this court to file additional witnesses statement on oath and deeming the annexure marked as an exhibit "A" as having been properly filed and served is accordingly granted as sought in view of the absence of any objection from the Defendant/Respondent. Moreso, the application is harmless and is within the confine of the rules of this court for



application of this nature to be made and be granted to enable the court determines the matter on its merit.

Dr. Dayo:

We filed a suit on behalf of the plaintiffs as a result of the excessive discharge of water that destroyed their farmlands and belonging which water was said to be discharged by the defendant. The plaintiffs are made to suffer the injuries as a result of the defendant action.

The defendant has been duly served with all the necessary processes we filed before this court being the last hope of the common man.

B. S. Akinwumi:

Prior to the receipt of the processes, parties have exchanged correspondences and in that correspondence, the defendant denied liability of the allegation levied against it which necessitated the filing of the writ before this court.

In the same vein, the defendant in response to the writ has filed its statement of defence where- in denied liability to the claim of the plaintiff.

Dr. Dayo:

In line with the Rules of this court, upon close of pleadings, we have filed pre trial conference form (17) and the defendant has equally responded. Subject to court convenience, we are ready to adopt same.



B. S. Akinwumi: My lord that is the position. Pre trial conference form has been filed by both of us and we are also ready to adopt same.

Court-Dr. Dayo: You may proceed to adopt your answers in pre trial conference form.

Dr. Dayo: We filed our answers in pre trial conference form (17), dated and filed on the 30<sup>th</sup> December, 2025. My lord, we adopt the information contain there-in.

B.S. Akinwumi: On our own part, the answers to pre trial conference form we filed is dated the 5<sup>th</sup> January, 2026. We equally adopt same as our answers to the pre trial conference information.

Court: The pre trial conference in respect of this matter has come to an end, the parties having filed their respective answers to pre trial conference forms and adopted same. The prehearing report and scheduling in line with OR. 25 of the Rules of this court are ready, and it reads:

Dr. Dayo: The pre-trial report having been read to us in the open court, we intend to open our case subject to the convenience of the court.

B.S. Akinwumi: We are not objecting as earlier pointed out. We are also ready for the plaintiffs to open their case.

Court - Dr. Dayo: You may call on your first witness before the court.



Dr. Dayo: My first witness is in person of *E.S.V AARON DADA AZHI*, he is in court, speaks and understands English language. Subject to court convenience, we are ready to present him before the court as our PW1.

Court - Dr. Dayo: Proceed.

Court- Registrar: Affirm the witness: *E.S.V AARON AZHI* as PW1.

Registrar: The witness has been affirmed as directed by the court.

**EXAMINATION IN CHIEF OF ESV AARON DADA AZHI ( PW1)**

Dr. Dayo: PW1: Tell the hon. Court your name, address, and occupation.

PW1: My names are *ESV AARON DADA AZHI*, live in Minna, I am an estate surveyor and valuer.

Dr. Dayo - PW1: Tell the court your qualification.

PW1: I am a registered estate surveyor and valuer for ten (10) years now.

Dr. Dayo - PW1: Do you know the plaintiffs' in this case?

PW1: Yes. I know them when I was carrying out valuation of the affected farmlands.

Dr. Dayo - PW1: Cast your mind back to the 24<sup>th</sup> October, 2025 can you remember making a statement on oath?



PW1: Yes, I remember making a statement on oath on the 24<sup>th</sup> October, 2025. I will recognise my statement on oath through my signature.

Dr. Dayo - PW1: Have a look at this statement on oath and tell the court whether or not it is the statement on oath you are referring to.

PW1: Yes, it is the statement I was referring to in my statement.

Dr. Dayo - PW1: Do you want the court to use it as evidence in this matter?

PW1: Yes, my lord.

Dr. Dayo - PW1: Look at paragraphs 7 of the witness statement on oath, you made mention of an evaluation report. If you see the evaluation report, how do you recognise it?

PW1: I will recognise it via the logo of the company, the seal and my signature.

Dr. Dayo - PW1: Have a look at this document, is it the evaluation report you are referring to in your paragraph 7 of your witness statement on oath?

PW1: Yes, it is the one.

Dr. Dayo: My lord we intend to tender the evaluation report referred to in paragraph 7 of the witness statement on oath in evidence.

B. S. Akinwumi: We are objecting to the admissibility of this document in evidence. However, we shall provide detail reasons in



support of our objection in our final written address in line with our pre trial report and scheduling.

Court: The evaluation report tendered in evidence by the plaintiffs' which report is dated May 2025 is admitted for now in evidence. Though, the defence having objected to its admissibility, the desire to provide details supportive of the objection in their final written address is in order.

Thus, the evaluation report having been admitted tentatively is marked as exhibit EVR 001 in line with our pre trial report and scheduling.

Dr. Dayo: That is all for my Pw1

Court-B.S Akinwumi: Any cross examination of Pw1

B.S Akinwumi: Yes we intend to cross-examine Pw1

Court-B.S Akinwumi: Proceed.

### **CROSS-EXAMINATION OF E.S.V. AARON DADA AZHI (PW1)**

B.S Akinwumi - PW1: How old are you?

PW1: I am 70 years old.

B.S Akinwumi - PW1: You said you are 10 years post qualification.

PW1: Yes.



B.S Akinwumi - PW1: Is your qualification by examination or by privilege.

PW1: By examination.

B.S. Akinwumi - PW1: Tell the court the school you attended that gives you this qualification.

PW1: I attended Kaduna Polytechnic for my National Diploma and Nassarawa Polytechnic for my H.N.D. I finished from Nassarawa Polytechnic in 1993.

B.S.A - PW1: Your evaluation report is undated?

PW1: It is dated May, 2025 but we don't normally write date but the effective date of the evaluation. The effective date is 7<sup>th</sup> May 2025.

B.S. Akinwumi - PW1: You adopted your Witness Statement on Oath, today.

PW1: Yes and I stand by all the deposition contained there-in

B.S. Akinwumi - PW1: Kindly read paragraph 9 of your Witness Statement on Oath.

PW1: (Read paragraph 9 of his Witness Statement on Oath filed and adopted by the witness).

B.S. Akinwumi - PW1: It means you got all your information from the data you collected from the field.

PW1: Yes.

B.S. Akinwumi- PW1: Read paragraphs 5.1 (a) of exhibit E.V.R 001.

PW1: (Read pp5.1 (a) of exhibit E.V.R 001)



B.S. Akinwumi - PW1: The photograph on page 8 of E.V. R 001 was taken when?

PW1: It was taking before the flood.

B.S. Akinwumi - PW1: It means the photo on page 8 was given to you by your clients?

PW1: Yes because I requested for it.

B.S. Akinwumi - PW1: They told you that their farmland was flooded because the defendant releases water from the dam?

PW1: Yes, my lord.

B.S. Akinwumi - PW1: It means that you did not know as a matter of fact that it is the defendant that actually released the water.

PW1: My lord, when they called me, I was informed by my client that, it was the defendant that released water in the dam that caused the flood.

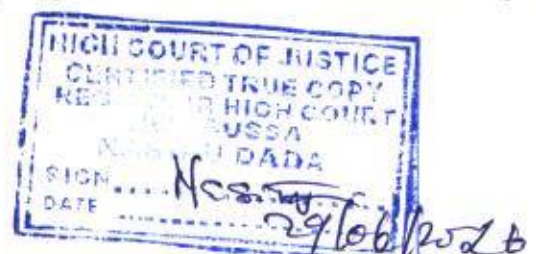
B.S. Akinwumi - PW1: So, you did not know for a fact that the defendant released that water.

PW1: Yes I did not know for a fact that the defendant was the one that released the water that flooded the farmland of my client.

B.S. Akinwumi - PW1: Do you also conduct land survey?

PW1: We don't. We only attach the report of land surveyor in our report.

B.S. Akinwumi - PW1: Is there any land survey report attached to evaluation report marked as EVR 001?



PW1: There's none.

B.S. Akinwumi: That will be all for the witness.

Court - Dr. Dayo: Any re-examination of PW1?

Dr. Dayo: No re-examination. We intend to call one (1) more witness today. Though, subject to the convenience of the court.

Court - B.S. Akinwumi: Any objection?

B.S. Akinwumi: No objection.

Court - Dr. Dayo: You may proceed with your next witness. Pw1 should step-down from the witness box in the absence of re-examination and accordingly discharged.

Dr. Dayo: Our next witness is **ABUBAKAR MOH'D MAIGADA**, the 1<sup>st</sup> plaintiff. He is in court and we are ready to proceed.

Court - Registrar: Affirm **ABUBAKAR MOH'D MAIGADA**, the 1<sup>st</sup> plaintiffs' before he commences his oral evidence.

Registrar: The witness is affirmed through an interpreter as directed by the court.

Dr. Dayo: My witness (PW2) speaks and understands Nupe language. We are therefore in need of Nupe language interpreter to interpret the testimony of PW2.

Court – Registrar: Affirm Joshua Nmadu as an interpreter to interpret the testimony of PW2 from Nupe to English and vice versa.



Registrar: The interpreter Joshua Nmadu has been affirmed as directed by the court.

**EXAMINATION IN CHIEF OF ABUBAKAR MOH'D MAIGADA (PW2)**

Dr. Dayo – PW2: Tell the court your name, address and occupation.

PW2: My name is Abubakar Moh'd Maigada, I live in Guzan, and farming is my occupation.

Dr. Dayo - PW2: Cast your mind to the 8<sup>th</sup> July, 2025 and can you remember making Witness Statement on Oath before this court.

Pw2: Yes, I can remember. I can recognise my Witness Statement on Oath by my signature.

Dr. Dayo - PW2: Have a look at this Witness Statement on oath and tell the court whether it is one you were referring to in the course of your testimony before this court.

PW2: Yes, and I want the court to use any Witness Statement Oath as my evidence before this court.

Dr. Dayo – PW2: In your paragraph 14 - 16 of your Witness Statement on Oath you made mention of letters from your solicitors if you see these letters, how will you be able to recognise it?

PW2: I can remember, and if I see the letters I can recognize the letters.



Dr. Dayo – PW2: Have a look of these documents and tell the court whether they are the letters you were referring in your Witness Statement on Oath.

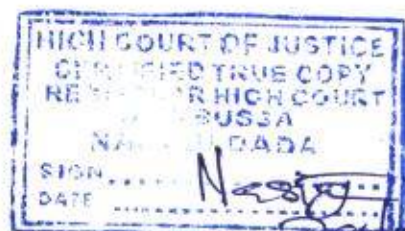
PW2: Yes, these are the letters, and the original of these letters are missing.

Dr. Dayo: My lord, the witness having identified the document, we seek to tender same in evidence i.e the two (2) letters from the plaintiff's counsel and the response of the letter from the defendant.

Court - B.S. Akinwumi: Any objection against the admissibility of the letters tendered by the plaintiffs' counsel via PW2?

B.S. Akinwumi: No objection.

Court: The two (2) photocopies of letters from the plaintiffs' counsel, dated 18<sup>th</sup> and 28<sup>th</sup> May, 2025 and photocopies of a reply letter dated 22<sup>nd</sup> May, 2025 from the defendant's counsel tendered in evidence are hereby admitted in evidence in the absence of any objection from the defence. The admission of these documents in evidence is based on their respective relevance to the issue pending before this court as admissibility of document largely depends on relevancy to the fact in issue. The whereabouts of the original copies of these letters (exhibits) as testified by PW2 are lost to the



satisfaction of the court and the defence hence its admissibility. Thus, the three (3) letters are accordingly marked as Exhibits A1 for letter dated the 18<sup>th</sup> May, 2025. A2 for letter dated 22<sup>nd</sup> May, 2025; and A3 for letter dated the 28<sup>th</sup> May, 2025.

Dr. Dayo – PW2: What do you want the court to do for you?

PW2: I want the court to help us to do justice by collecting our entitlements.

Dr. Dayo: That will be all for Pw2.

Court - B.S. Akinwumi: Any cross examination of Pw2?

B.S. Akinwumi: Yes I have few questions to ask the witness under cross-examination.

Court - B.S.A: You may proceed with your cross-examination of Pw2.

### **CROSS - EXAMINATION OF ABUBAKAR MOH'D MAIGADA (PW2)**

B.S. Akinwumi - PW2: You informed the court in pp3 of your WSO that, the defendant operates Kainji dam and Jebba. But you did not state which of the dam was opened.

PW2: Yes, we did not specify which of the dam was opened by the defendant.

B.S. Akinwumi - PW2: Are you aware that this water is called River Niger?

PW2: Yes, I am aware.

B.S. Akinwumi - PW2: Are you aware that the body of water called River Niger started from Futajalo, in New Guinea to Nigeria?

PW2: Yes I am aware.

B.S. Akinwumi - PW2: Are you also aware that body of water passes through Niger Mali before it comes down to Nigeria?

PW2: I am not aware not until you explained to me now.

B.S. Akinwumi - PW2: Are you aware that body of water called River Niger has many tributaries before it comes to Kainji dam?

PW2: I am not aware.

B.S. Akinwumi - PW2: Are you aware that, the stretch of the water from Guinea to Jebba where it terminates is 4200 kilometre?

PW2: I don't know.

B.S. Akinwumi - PW2: Are you aware that from Jebba to Lokoja is 300 kilometres?

PW2: I don't know.

B.S. Akinwumi - PW2: Are you also aware that from Futajalo, Guinea to Jebba water flow is called up-stream?

PW2: I don't know.

B.S. Akinwumi - PW2: Are you also aware that if there's inflow of water from any of the tributaries, it can cause flooding from Jebba to Kainji?

PW2: I don't know.



B.S. Akinwumi –PW2: Do you have any verifiable evidence that it was the defendant that release water that flooded your farmland?

PW2: All we knew was that the water flooded our farmland comes from that direction.

B.S. Akinwumi - PW2: Are you aware that there was major flooding in Mokwa after the water that flooded your community?

PW2: I heard the information of water flooding in Mokwa.

B.S. Akinwumi - P W 2: Are you aware the flooding in Mokwa was not caused as a result of the defendant releasing water from Kainji dam?

PW2: I don't know.

B.S. Akinwumi - PW2: Are you aware there's government designated water ways?

PW2: I don't know.

B.S. Akinwumi - PW2: Since you did not know that there's government water ways, I put it to you where you have your farmland is water ways.

B.S. Akinwumi: That's all for the witness.

Court - Dr. Dayo: Any re-examination of your witness (PW2)?

Dr. Dayo: Nil. That will be all for today. We shall be asking for an adjournment to enable us present our remaining witnesses at the next adjournment. We will be grateful if my lord will give us two (2) clear days to present our evidence before the court.

B.S. Akinwumi: That will be alright for us.



Court: Case adjourns to 4<sup>th</sup> and 5<sup>th</sup> May, 2026 to enable the parties present their evidence before the court.

Signed.....

**Hon. Justice Adamu Abubakar**

Presiding Judge.

25<sup>th</sup> March, 2026.

04<sup>TH</sup> MAY 2026

Parties: Plaintiffs in court; Defendant absent.

Appearance: Dr. Dayo Ashonibare for the Plaintiffs’;

B.S. Akinwumi for the defendant

Dr. Dayo: The matter is slated for continuation of hearing, we are ready to proceed. However, we’ve an application my lord, it is very harmless. The application is dated the 15<sup>th</sup> April 2026 and filed on the 30<sup>th</sup> April 2026. If it is convenient to the court and to the defence counsel we are ready to move same.

Court - B.S. Akinwumi: Are you ready for the plaintiffs counsel to move his application which he described “harmless”?

B.S.A: We are ready for the plaintiffs counsel to move his application. Though, the counsel has not exhibited the



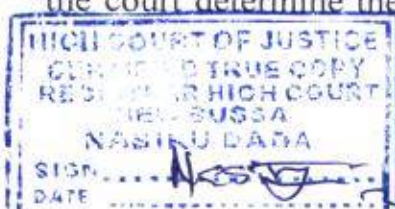
proposed amended processes. In a nutshell, we are not objecting to the grant of the application.

Court - Dr. Dayo: You may proceed with your application.

Dr. Dayo: Our application, dated the 15<sup>th</sup> April 2026, filed on the 30<sup>th</sup> April 2026 and one exhibit tagged as Exhibit A and since there's no opposition, we pray the court to grant the reliefs sought. We further apply to include motion on notice on the process which appears omitted.

Court: Having gone through the application of the applicants, the affidavit in support and the accompanying written address wherein the applicants are seeking to amend the originating processes filed, I found the application to be proper and consequently grant the application as sought. The grant of the instant application would enable the court determine the substantive matter on its merit.

By the effect of order 24 of the Niger State High Court Civil Procedure Rules 2018 a party to a civil proceeding can amend his pleadings before judgment. Furthermore, the circumstance leading to the present application for amendment of the processes filed by the applicant will not in any way entail injustice to the defendant/respondent nor portrayed the applicants acting malafide; the amendment is not baseless but very important to the determination of the instant suit i. e it will enable the court determine the gravamen of the parties grievance. On this, see the following



cases BELONWU VS O.K ISOKARIARISONS (1994) 7 NWLR (PT356) page 587. DICK VS OWRAND OIL CO. LTD (2018) 14 NWLR (PT1638) page 1. The grant of the instant application was purely made pursuant to the principle enunciated by the Court OF APPEAL in the afore referred suits; the provision of order 24 Rule (1) of the Niger State High Court Civil Procedure Rule 2018 and the support given by the defence counsel via the no-objection stand.

On the whole, this court hereby ordered as follows:

- (1) Leave is hereby granted to the applicants to amend their writ of summon, statement of claim and other accompanying processes filed before this court, and
- (2) Leave of this court is granted to the applicants to file and rely upon the witness statement on oath of their witness in both the English language and the Hausa translated versions, and
- (3) The amended writ of summon, statement of claim and the additional statement of claim and the additional witness statement on oath are hereby, deemed as properly filed before this court and served on the defence, and
- (4) Leave of this court is further granted to the applicants to make some typographical correction on the writ of summons and other accompanying processes before the Hon. Court , and
- (5) The amended writ of summons and other accompanying processes file before this court are deemed as having been filed before this court and served on the defence.



- (6) The Defendant/Respondents may wish to respond to the amended processes filed by the plaintiff's without any leave of court sought and obtained.

Dr. Dayo: In the circumstance, we are ready to call our next witness in person of Muhammad Kudu as PW3. Our witness speaks Hausa and a little bit of English. We will therefore, be in need of Hausa language interpreter.

Court - Registrar: Affirm yourself to interpret the testimony of *Muhammad Kudu* from Hausa language to English language and vice-versa.

Registrar: I have affirmed myself, my lord.

Court-Registrar: Affirm *Muhammad Kudu* PW3 before he commences his evidence.

Registrar: The witness: *Muhammad Kudu* is affirmed as directed by the court.

### **EXAMINATION IN CHIEF OF MUHAMMAD KUDU (PW3)**

Dr. Dayo-PW3: Tell the Hon. Court your name, address and occupation.

PW3: My name is Muhammad Kudu from Wuci village, Mokwa Local Government Area and a farmer by occupation.

Dr. Dayo - PW3: Cast your acted to the 30<sup>th</sup> April 2026, can you recall making a statement on oath?

PW3: Yes.



Dr. Dayo - PW3: Have a look at this document and tell the court whether or not it is the witness statement on oath you are referring to.

PW3: (After going through the document): Yes it is the statement on oath I was referring to.

Dr. Dayo - PW3: What do you want the court to do for your?

PW3: I want the court to grant all the reliefs in the strut of claim

Dr. Dayo - PW3: Do you want the court to adopt your witness statement on oath as your evidence before this court?

PW3: Yes.

Dr. Dayo: That will be all for the witness (PW3).

Court - B.S. Akinwumi: Do you intend to cross-examine PW3?

B.S. Akinwumi: Yes my lord, I have some few questions to ask the witness (PW3).

**CROSS-EXAMINATION OF MIHAMMAD KUDU (PW3).**

B.S. Akinwumi - Pw3: You said you can identify your statement on oath by your finger print, what are the features of your finger print?

Dr. Dayo: Objection, my lord the witness is not an expert and he never claim to be one. The essence of showing to the witness his witness statement on oath is for identification purpose and the witness has shown his thumbprint is affixed to where his name is captured.



B.S. Akinwumi:

What necessitated the question is that, the witness: **Muhammad Kudu** told this Hon. Court that he will identify his statement on oath by his name and finger print. The witness has told this court that, if he sees his finger print, he can identify it. Therefore, S.140 E.A 204 poses the burden of proof on him on how to identify his finger print on the statement on oath. So, the witness should tell us the features of his finger print being facts within the knowledge of the witness.

Court:

The witness, PW3 should answer the question; the objection of the plaintiffs' counsel is over-ruled since the witness informed the court that he can identify his statement on oath by his name and thumbprint. Thus, the question put forward by the defence aligned with the provision of S.140 of the E.A 2011 for PW3 to tell the court the features of his thumbprint.

PW3:

I am not an expert and therefore cannot tell the feature of my thumbprint.

Court - PW3:

In other words you cannot identify your thumbprint when you see it?

PW3:

I can identify it when I see it but I cannot describe it.

B.S. Akinwumi - PW3:

Have a look at this thumbprint on this document and tell the court whether it is your thumbprint or not.



PW3: I can identify my finger when I see my name.

B.S. Akinwumi – PW3: Do you know when the dam was built?

PW3: No, I don't know.

B.S. Akinwumi - PW3: Do you know who built the dams i. e who sponsored the building of the dam?

PW3: I don't know.

B.S. Akinwumi – PW3: Would you be shock if I tell you that it was the Federal Government that built the dams.

PW3: I will not be surprised.

B.S. Akinwumi - PW3: Having known now that the Federal Government built the dams would you still maintain that, the defendant was still at fault?

PW3: I don't understand the question.

B.S. Akinwumi - PW3: If you know that it is the Federal Government that built the dams, would you still maintain that the defendant is at fault for the injuries you allegedly suffered?

PW3: Yes.

B.S. Akinwumi - PW3: Would you leave the Federal Government and sue the defendant knowing fully the Federal Government constructed the dams?

PW3: Yes.



B.S. Akinwumi - PW3: The flooding you claimed to have damaged your property, can you tell the court when it occurred?

PW3: The first one occurred on 1<sup>st</sup> January, 2025 and the 2<sup>nd</sup> flooding occurred on the 15<sup>th</sup> April 2025.

B.S. Akinwumi - PW3: Would you be surprised that the defendant did not operate the dam from the 30<sup>th</sup> December 2024 to 3<sup>rd</sup> January, 2025?

PW3: I would be surprised.

B.S. Akinwumi - PW3: Are you aware that there was flooding in Mokwa in May, 2025?

PW3: I am aware of it.

B.S. Akinwumi - PW3: Are you aware that the Mokwa flooding which occurred in May, 2025 was not in any way attributable to the defendant?

PW3: Yes, I am aware.

B.S. Akinwumi - PW3: Have you heard of climate change before?

PW3: Yes, I have heard of climate change.

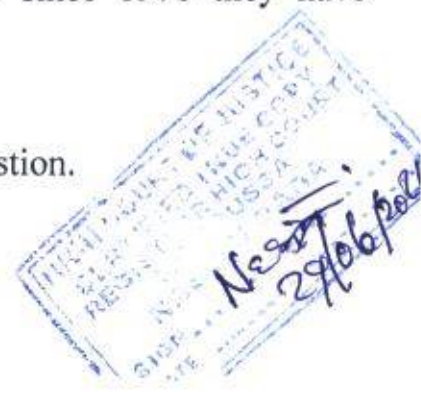
B.S. Akinwumi - PW3: Do you have an understanding of climate change?

PW3: No.

B.S. Akinwumi - PW3: How did you know that it was the defendant who operates the dams?

PW3: It was our father that told us that since 1970 they have stopped farming the Kainji.

B.S. Akinwumi: The witness is not answering the question.



Court – PW3: Please answer his question. How did you know that it was the defendant that operates the dam?

PW3: It was because we saw water flooding our farms and we assumed it was the defendant that operated the dams.

B.S. Akinwumi - PW3: Do you know that the water that flooded your farms come from Lokoja?

PW3: No, it did not come from Lokoja.

B.S. Akinwumi - PW3: How did you know that, the water is not from Lokoja?

PW3: It is not possible for Lokoja river to flow-upward and our village is located upward Lokoja.

B.S. Akinwumi - PW3: Have you heard of LAGDO dam located in Cameroon?

PW3: No.

B.S. Akinwumi - PW3: Are you aware that whenever Lagdo dam of Cameroon is released, it usually affects Nigeria, including River Benue?

PW3: I don't know.

B.S. Akinwumi - PW3: Would you be surprised to know that since 2012 the release of Lagdo dam has been the cause of flooding in Nigeria?

PW3: I don't know anything about it.

B.S. Akinwumi - PW3: You informed the court that your parents told you that since 1970 they stopped farming, can you please complete the statement.



PW3: They stopped farming during the rainy season because of the release of water from the dams during that period but they are now releasing water in both dry and rainy season.

B.S. Akinwumi - PW3: Are you confirming to the court that Jebba started its operation in 1985?

PW3: I am referring to Kainji dam while Jebba dams started operation, as you said, in 1985.

B.S. Akinwumi - PW3: Do you know the distance between Kainji and Mokwa is over 300 kilometres?

PW3: I don't know.

B.S. Akinwumi - PW3: If I tell you that the flooding occurs because you farmed on the water ways of River Niger?

PW3: No, we did not farm on the water ways of the River.

B.S. Akinwumi - PW3: That's all for the witness.

Court - Dr. Dayo: Any re-examination of your witness?

Dr. Dayo: No, my lord.

Court: In the absence of any re-examination of Pw2, the witness is accordingly discharged from the box.

Court - Dr. Dayo: Do you intend to further present any other witness in this case, today?

Dr. Dayo: Yes, my lord, our PW4 is in person of *TANKO PADA PAIKO* subject to court's convenience, we are ready.



Court - B.S. Akinwumi: Are you ready for the plaintiffs' to present their next witness i.e Pw3?

B.S. Akinwumi: We are ready.

Court - Dr. Dayo: You may call on your witness i.e *TANKO PADA PAIKO* before the court.

Dr. Dayo: Okay, my lord. (After a while) my lord, my next witness: Tanko Pada Paiko is before the court and in the witness box, ready to be affirmed.

Court - Registrar: Kindly affirm Tanko Pada Paiko as PW4 in this case.

Registrar: The witness: Tanko Pada Paiko is affirmed as directed by the court.

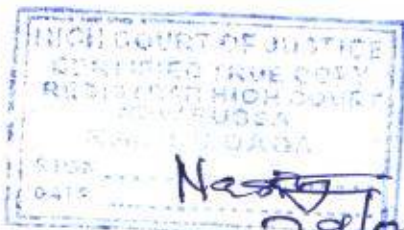
#### **EXAMINATION IN CHIEF OF TANKO PADA PAIKO (PW4)**

Dr. Dayo - PW4: Tell the court your name, address and occupation

PW4: My name is surveyor Tanko Pada Paiko, I live at No. 12 LIBC Gidan Madara by city-gate, Minna, Niger State.

Dr. Dayo - PW4: What is your qualification?

PW4: My qualification is PDS (Professional diploma in surveying). I sat for surveying Registration council-examination on the 17<sup>th</sup> December 2020 that enabled me to have my Registration Certificate as a surveyor with Registration Number 4626.



Dr. Dayo - PW4: Can you remember making statement on oath sometime on the 30<sup>th</sup> April 2026?

PW4: Yes, I remember.

Dr. Dayo-- Pw4: If you see the statement on oath, how can you recognize it?

PW4: I can indentify it by my name and my signature.

Dr. Dayo - PW4: Would you want the court to adopt the witness statement on oath as your evidence in this case.

PW4: Yes.

Dr. Dayo - PW4: In paragraph 4 of your statement on oath, you made reference to a survey drawing; if you see the survey drawing can you identify it?

PW4: Yes, I can identify it by my name, signature and seal.

Dr. Dayo - PW4: Take a look at this document and tell the court whether or not it is the document?

PW4: Yes, it is the document.

Dr. Dayo: The witness (PW4) has identified the document and we seek to tender it in evidence.

Court - B.S. Akinwumi: Any objection to the admissibility of the survey drawing tendered by the plaintiffs' counsel in evidence.

B.S. Akinwumi: Yes, my lord, we object to the admissibility of the survey drawing but we shall address the court on the reason behind our objection in the final address.



Court: The survey drawing is temporarily admitted in evidence and marked as Exhibit SD01.

Dr. Dayo: That will be all for my witness (PW4).

Court - B.S. Akinwumi: Do you intend to cross examine PW4 over his examination in chief?

B.S. Akinwumi: Yes.

Court - B.S. Akinwumi: You may proceed with the cross-examination of Pw4.

**CROSS-EXAMINATION OF SURVEYOR TANKO PADA PAIKO (PW4).**

B.S. Akinwumi - PW4: Which school did you attend and obtained your HND.

PW4: Kaduna Polytechnic with a 2<sup>nd</sup> class.

B.S. Akinwumi - PW4: What date do you have in the survey drawing i.e Exhibit S.D 01?

PW4: 15<sup>th</sup> May 2025.

B.S. Akinwumi - PW4: That would be a month after the alleged 2<sup>nd</sup> flooding?

PW4: Yes.

B.S. Akinwumi - PW4: As a surveyor are you trained in land survey or disaster survey?

PW4: I was trained as both land and disaster surveyor. As a disaster surveyor, we determine the parameter of the entire area by defining the boundary where the disaster took place.



B.S. Akinwumi - PW4: Do you have any idea about flood-plain or hydrological survey?

PW4: No, I don't have any idea about this kind of survey.

B.S. Akinwumi. - PW4: Have you ever testified in court on flood-related case?

PW4: No I have never testified before any court in flood related case.

B.S. Akinwumi - PW4: Do you have any certification in flood-risk assessment?

PW4: No, my lord.

B.S. Akinwumi - PW4: In this particular who engaged you?

PW4: Wuchi community through one Mohammad, but I don't know his surname.

B.S. Akinwumi - Pw4: Who paid you for the job you did?

Pw4: The person who engaged me, of course.

B.S. Akinwumi - Pw4: How were you paid? i.e is it through physical cash or bank transfer of finds?

Pw4: It was through bank transfer.

B.S. Akinwumi – Pw4: What is the scope of the instruction given to you by the person who engaged your services?

Pw4: The scope of the instruction given to me was determine the boundary area of the flood in the survey plan.

B.S. Akinwumi - Pw4: I would be right to say you were taken to the site of the flooding on the 15<sup>th</sup> May, 2025.



Pw4: Yes, you are right.

B.S. Akinwumi - Pw4: It means you were taken to the site about 5 months of the occurrence of the 1<sup>st</sup> flooding and on one (1) month of the 2<sup>nd</sup> flooding, Right?

Pw4: Yes, you are right.

B.S. Akinwumi - Pw4: It means that it was the person that engaged you that pointed the alleged flooding area to you, right?

Pw4: Yes.

B.S. Akinwumi - Pw4: I would be right to say that you only marked the area pointed to you by the person that engaged your services.

Pw4: Yes after I was shown the area myself and my team capture the extent of flooding area.

B.S. Akinwumi - Pw4: Are you aware that 200 metres of both sides of water ways is owned by the Federal Government, as a surveyor?

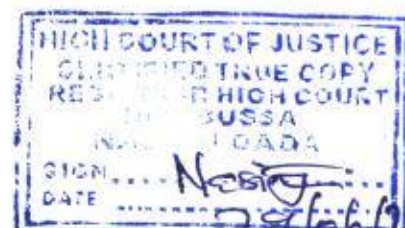
Pw4: I am not aware.

B.S. Akinwumi - Pw4: I would be correct to say that by the time you went to the alleged seen of the flood the water has rescinded?

Pw4: Yes.

B.S. Akinwumi - Pw4: In your survey, did you consult government or regulatory flood?

Pw4: No, I did not do that.



B.S. Akinwumi - PW4: Would you say that, if there's proper drainage, there will still be flooding?

PW4: If there's proper drainage system there won't be flooding.

B.S. Akinwumi - PW4: Would you say from your survey, the cause of the flooding?

PW4: It was as a result of the release of Kainji water.

B.S. Akinwumi - PW4: In your survey, show one where it is shown that the cause of the flood was as a result of the release of water from Kainji dam?

PW4: The entire area marked with red on exhibit SD 01 is the flood area. While the green mark is a corridor created by the volume of water that passes through and even now, the corridor is still visible as people use canoe to pass through.

B.S. Akinwumi - PW4: Would you be surprise if I tell you that there is no source of water from your report i.e exhibit S.D 01.

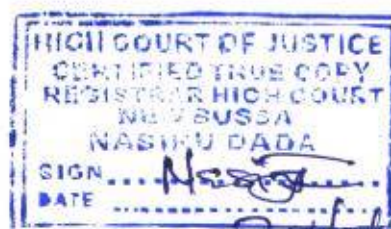
PW4: Yes there is, through the green mark.

B.S. Akinwumi - PW4: Is there any evidence from your report, time and date when the flood started?

PW4: What is on my report is the date I made my report.

B.S. Akinwumi - PW4: Would I be right to say there is no class grading as second class in polytechnics?

PW4: Yes, you are right.



B.S. Akinwumi - PW4: Did you follow environmental guidelines in your report as a professional?

PW4: Yes, I did.

B.S. Akinwumi - PW4: Explain to the court what you understand by environmental guideline.

PW4: Environmental guideline simply suggest sets-back like 50 meters if it is a large-way for instant or if it is a national grid, there should be setback of 50 meters from the national grid. If it is a water way, there should also be a setback of 50 meters from the water way.

B.S. Akinwumi - PW4: For national water way, what is the environmental guideline?

PW4: Is still 50 meters.

B.S. Akinwumi - PW4: Water boundaries can be determined during dry season or rainy season.

PW4: Water boundaries are determined when the water level is filled.

B.S. Akinwumi - PW4: That means water boundary can be determine during the rainy season.

PW4: It is during the rainy season.

B.S. Akinwumi: That's all for the witness (Pw3)

Court - Dayo: Any re-examination of Pw4?



Dr. Dayo: No my lord. And that would be all for Pw4. We intend to call on two (2) further witnesses. Though, it is subject to convenience of the court. We further pray the court to discharge PW3 from the Witness Box.

Court: Pw4, in the absence of re-examination is accordingly discharged from the Witness Box. The plaintiffs' counsel may present his remaining witnesses, one after the other.

Court - B.S. Akinwumi: Are you ready for the plaintiffs' counsel to call on his PW5?

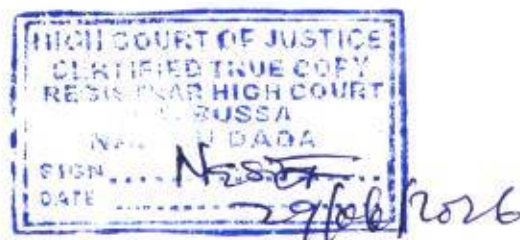
B.S. Akinwumi: Yes we are ready.

Court - Dr. Dayo: You may proceed to call on your Pw5.

Dr. Dayo: Our next witness (Pw5) is in person of *Alhassan Mohammed*. He is in the witness box and ready to be affirmed.

Court - Registrar: Affirm *Alhassan Mohammed* as Pw5 in this case.

Registrar: The witness, *Alhassan Mohammed* is affirmed as PW5 in this case.



**EXAMINATION IN CHIEF OF ALHASSAN MOHAMMED (PW5).**

Dr. Dayo - PW5: Tell the court your name, address and what you do for a living.

PW5: My name is *Alhassan Mohammed* from Guzan Edati Local Government Area of Niger State farming is my occupation.

Dr. Dayo - PW5: Cast your mind to the 30<sup>th</sup> April 2026. Can you remember making a statement on oath?

PW5: Yes.

PW5: I can recognize it by my name and how I thumb-printed it.

Dr. Dayo - PW5: Have a look at this document and tell the court whether the name on the document is yours?

PW5: (Studied the document for a while): Yes, it is the document I was referring to.

Dr. Dayo - PW5: The witness has identified both the English and Hausa version of the statement on oath.

Dr. Dayo - PW5: Do you adopt the statement you identified as yours to be your evidence in this case?

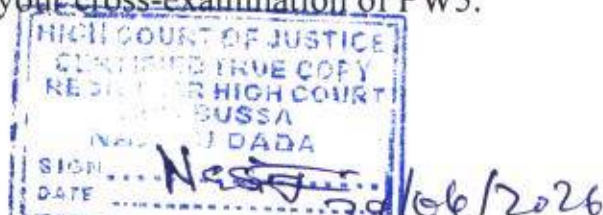
PW5: Yes, I do.

Dr. Dayo - PW5: My lord, that will be all for the witness (PW5).

Court - B.S. Akinwumi: Any cross examination of the witness (PW5)?

B.S.A: Yes, my lord.

Court - B.S. Akinwumi: You may proceed with your cross-examination of PW5.



**CROSS-EXAMINATION OF ALHASSAN MOHAMMED (Pw5)**

- B.S. Akinwumi - PW5: How old are you?
- PW5: I was born in 1963.
- B.S. Akinwumi - PW5: Who gave you the farmland you are presently farming on?
- PW5: My father.
- B.S. Akinwumi - PW5: Do you have any document covering the farmland you are farming on?
- PW5: I have no document.
- B.S. Akinwumi - PW5: If I tell you that, that land you are farming on belongs to the Federal Government.
- PW5: I would not believe you that the land belongs to the Federal Government.
- B.S. Akinwumi - PW5: Are you aware that it is illegal to perform any activity on the water way?
- PW5: I don't know.
- B.S. Akinwumi - PW5: Who told you that it was the defendant that released the water that allegedly damaged your farm?
- PW5: The water used to come from the dam area.
- B.S. Akinwumi - PW5: You assumed that the defendant released the water because the water came from the dam?



PW5: Yes.

B.S. Akinwumi - PW5: What if I told you that, the water comes from the tributaries and not directly released from the dams?

PW5: I wouldn't know.

B.S. Akinwumi - PW5: Your farm is after Jebba. Am I right?

PW5: Yes, my farm is situate after Jebba.

B.S. Akinwumi - PW5: Do you believe me, if I tell you that if water is released from Kainji, Jebba dam would stop it?

PW5: I don't know. I only knew that water from Kainji dam goes to Jebba dam.

B.S. Akinwumi - PW5: Are you aware that the dam design in a way that water should occasionally be released from such dams?

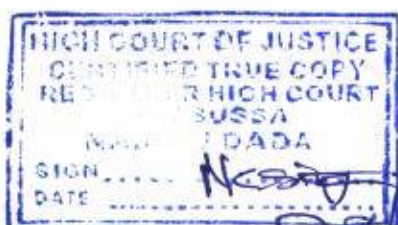
PW5: I am not aware.

B.S. Akinwumi - PW5: That's all for the witness.

Court – Dr. Dayo: Any re-examination of PW5?

Dr. Dayo: Nil, that will be all for PW5. We are therefore asking for PW5 to be discharged from the Witness Box.

Court: In the absence of re-examination of PW5, the witness (PW5) is accordingly discharged from the witness box as sought by the plaintiffs' counsel.



Dr. Dayo: Our next and last witness (PW6) is in person of Jibril Nakodi. My lord, our last witness PW6) is in the witness box ready to be affirmed.

Court - B.S. Akinwumi: Are you ready for the plaintiffs' to present their next witness who is already in the Witness Box?

B.S. Akinwumi: We are ready, my lord.

Court - Registrar: Kindly affirm *JIBRIL NAKODI* (Pw6) in this case.

Registrar: The witness (Pw6) has been affirmed as directed by the court.

### EXAMINATION IN CHIEF OF JIBRIL NAKODI (PW6)

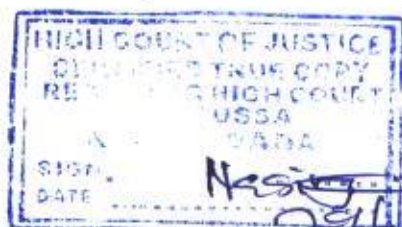
Dr. Dayo - PW6: Tell the court your name, address, what you do for a living.

PW6: My name is Jibril Nakodi from Wuchi village, Mokwa Local Government Area of Niger State and farming by occupation.

Dr. Dayo - PW6: Cast your mind to 30<sup>th</sup> April 2026, do you remember making statement on oath?

PW6: Yes, I remember.

Dr. Dayo - PW6: Do you recognize the statement on oath by your name?



PW6: (After studying the document). Yes, it is my witness statement on oath.

Dr. Dayo - PW6: Do you wish to adopt the strut on oath as your evidence in this case?

PW6: Yes.

Dr. Dayo - PW6: My lord the witness (PW6) having adopted his witness strut on oath as evidence in this case, that will be all for him.

Court - B.S. Akinwumi: Do you wish to cross-examine PW6 over his evidence made before this court.

B.S. Akinwumi: Yes.

Court - B.S. Akinwumi: You may proceed

### **CROSS-EXAMINATION OF JIBRIL NAKODI (PW6)**

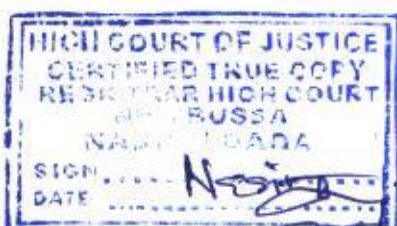
B.S. Akinwumi - PW6: How many hectres of land do you have?

PW6: Eight (8) hectres

B.S. Akinwumi - PW6: Who gave you the land you are farming on?

PW6: It was God.

B.S. Akinwumi - PW6: I would be correct to say that since it is God that gave you, you went there to farm on the land on the water ways; you were lured by the fertility of the land?



PW6: Since our great-grandparents started farming on the farmland for over 1000 years, we never experience flooding not until last year, 2025.

B.S. Akinwumi - PW6: Would you agree with me that there was no town called Mokwa until 1910?

PW6: I am not aware because our parent did not say so.

B.S. Akinwumi - PW6: Are you aware that it is illegal to farm on the water ways?

PW6: I am not aware that it is illegal to farm on the water ways. When they released the water, who was informed that they are going to release the water?

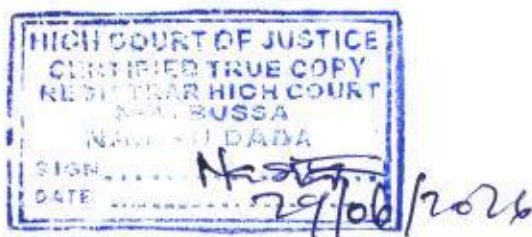
B.S. Akinwumi - PW6: Who told you that, it was the defendant that released the water?

PW6: No one told me, but if the defendants are not the one that released the water, the water would not come-out/flow to our farmland.

B.S. Akinwumi - PW6: I will be safe to say you assumed the defendant released the water because water came to your farm?

PW6: I am not assuming. It was the defendant that released the water.

B.S. Akinwumi - PW6: What evidence do you have to indict the defendant that it is the one that released the water?



PW6: My evidence is my God that it was the defendant that released the water.

B.S. Akinwumi - PW6: You don't have any physical evidence to show to court that it was the defendant that released the water?

PW6: I have evidence stored in my phone to show that it was the defendant that released the water. Through, the phone is spoilt.

B.S. Akinwumi - PW6: It goes to show that such evidence is not before the court, now?

PW6: No, such evidence is not before the court.

B.S. Akinwumi - PW6: That's all for PW6.

Court - Dr. Dayo: Any re-examination of your witness (PW6)?

Dr. Dayo: No re-examination. We apply for the discharge of PW6 from the Witness Box.

Court: In the absence of re-examination of PW6, the said witness is accordingly discharged from the Witness Box.

Dr. Dayo: My lord, the evidence presented before this court through PW1-PW6 constitutes the case of the plaintiffs'.

B.S.A: My lord, in view of the closure of the plaintiffs' case, we intend to open our defence. On the 5<sup>th</sup> May, 2026.



Court: Case adjourns to tomorrow, the 5<sup>th</sup> May, 2026 for commencement of defence

Signed.....

**Hon. Justice Adamu Abubakar**

Presiding Judge.

4<sup>th</sup> May, 2026.

05<sup>TH</sup> MAY 2026

Parties: Plaintiff's absent in court. Defendants represented by Oluwafumulayo Dorcas Ogunmola.

Appearances: Dr. Dayo Ashonibare for the plaintiffs'; B.S. Akinwumi for the defendant.

B.S. Akinwumi: My lord today is slated for the defence to open its case. And three (3) of our witnesses are in court. Subject to your lordships convenience, we are ready to open our defence.

Court - Dr. Dayo: Are you ready for the defence to open its case?

Dr. Dayo: We are ready, my lord.

Court - B.S. Akinwumi: You may proceed to open your defense.



B.S. Akinwumi: My lord, our first witness (Dw1) in person of **CORNELIUS AYODEJI AKANDE** is before the court and we intend to present him as our DW1

Court - DW1: You may proceed.

Court - Registrar: Affirm **MR. CORNELIUS AYODEJI AKANDE** as DW1 in this case.

Registrar: The witness (DW1) has been affirmed.

**EXAMINATION IN CHIEF OF MR. CORNELIUS AYODEJI AKANDE (DW1).**

B.S. Akinwumi - DW1: Tell this Hon. Court your name, address and what you do for a living.

DW1: My name is **AKANDE CORNELIUS ATODAJI**, work with Mainstream, I am a hydrologist.

B.S. Akinwumi - DW1: Maintream is the defendant in this case right?

DW1: Yes, Sir!

B.S. Akinwumi - Dw1: How long have you been hydrologist?

DW1: I have been a hydrologist for over 29 years, and a member of Nigeria Society of hydrologist, a member of Nigeria Public Administrators.

B.S. Akinwumi - DW1: You remember you deposed to a witness statement on oath sometime in September, 2025?



DW1: Yes, I remember.

B.S. Akinwumi - DW1: If you see that WSO how could you recognise it?

DW1: I can recognise it because I have appended my signature on the document.

B.S. Akinwumi - DW1: Have a look at this document and tell the court whether it is the document you are referring?

DW1: (After looking at the document). Yes it is the document.

B.S. Akinwumi: My lord the witness has identified it and is already before your lordship.

B.S. Akinwumi - DW1: What do you want to do with it?

DW1: I am adopting it as my evidence in this case.

B.S. Akinwumi - DW1: Look at these documents and tell the court whether they are document you were referring to in paragraph 9 and 10 of your Witness Statement on Oath?

DW1: (After looking at the documents); Yes they are the documents Sir.

B.S. Akinwumi: My lord, the witness (Dw1) has indentified the documents and we seek to tender it in evidence. These sets of documents were pleaded in our statement of defence, particularly in paragraph 7 and 11 of our statement of defence.

Court - Dr. Dayo: Any objection to the Admissibility of the two (2) documents tendered in evidence by the defence?



Dr. Dayo:

Yes, we are objecting to the admissibility of the two (2) documents and we shall provide our grounds of objection in our final written address. However, the court can go ahead and admit the two (2) documents in the interim and marked same accordingly.

Court:

The letter of invitation issued by Niger State Government to the defendant for a roundtable stakeholders meeting, dated the 6<sup>th</sup> March, 2025 tendered in evidence by the defence, is accordingly admitted in evidence temporarily and marked as exhibit D1. Whereas the document titled: Jebba Reservoir discharge for January, 2025 is accordingly admitted in evidence temporarily and marked as exhibit D2.

B.S. Akinwumi - DW1: You are a professional. In exhibit D2, we see figures and dates; can you substantiate to the court what it means?

DW1:

Water is measured in cubes and one cumec is translated to about 30,000 litres and this water (River Niger) is trans-boundary River, cutting across about 9 countries, Nigeria included and Nigeria happens to be the last recipient before the water moves to the Atlantic. We have built synergy with. Other countries upstream of Nigerians where this water comes from. And because of this synergy, we are privilege to know when other countries are overwhelmed.



B.S. Akinwumi - DW1: Please speak on the document Sir.

DW1: All the release as contained in this document is less than 3000 cumec and Jebba is built to release 7000 cumec that is the capacity of the spill-way gates. This is taking into consideration by the right of way of River Niger and we did less about that.

B.S.A--Dw1: That's all for my witness (Dw1).

Court--Dr. Dayo: Do you intend to cross-examine DW1?

Dr. Dayo: Yes, my lord, we have few questions to ask the witness (DW1)

Court: You may proceed with your cross-examination of DW1.

**CROSS-EXAMINATION OF CORNELIUS AYODEJI AKANDE AS (DW1)**

Dr. Dayo-DW1: Confirm to this court that you are a hydrologist and not a surveyor.

DW1: I am an hydrologist.

Dr. Dayo-DW1: Would I be correct to say that the defendant manage Kainji, Jebba and Shiroro dams in Niger State?

DW1: Yes, you are right.

Dr. Dayo-DW1: Does the Federal Government of Nigeria have control over the operation of Mainstream Energy Limited?



DW1: Yes, through NCC Oshogbo.

Dr. Dayo-DW1: It means before Mainstream Energy takes any decision it needs the approval of NCC Oshogbo right?

DW1: Concerning generation and water operation, Mainstream Energy needs the approval of NCC but relating administration, the Federal Government don't have any control over the defendant.

Dr. Dayo-DW1: When it comes to the release of water, does it falls under the category of administration or generation?

DW1: It has to do with generation.

Dr. Dayo-DW1: Take a look at paragraph 5 of your Witness Statement Oath what do you mean by discharge operation?

DW1: Discharge operation is the release of water through the turbines after it had been used for generation.

Dr. Dayo-DW1: And this discharge water was dome in January and April, 2025, true or false?

DW1: True.

Dr. Dayo-DW 1: The discharge operation in January and April, 2025 was done by Mainstream Energy true or false?

DW1: True.

Dr. Dayo-DW1: Please read paragraph 12 of your Witness Statement on Oath to the hearing of my lord.



DW1:

Paragraph 12 “the dams and turbines are designed to release water at any time where overflow may pose a risk to dam safety or turbine operations, and such release are not restricted to August or any particular month. The Stakeholders, Local authorities and farming communities downstream are always carried along through timely notification and sensitization measures before any controlled release of water.”

Dr. Dayo-DW1:

Do you still stand by that fact contain in paragraph 12 of your Witness Statement on Oath?

DW1:

Yes.

Dr. Dayo-DW1:

The plaintiffs’ are also one of the communities in the downstream you were referring to in paragraph 12 of your Witness statement on Oath, Yes, or No?

DW1:

Yes, they are one of the communities in the downstream.

Dr. Dayo-DW1:

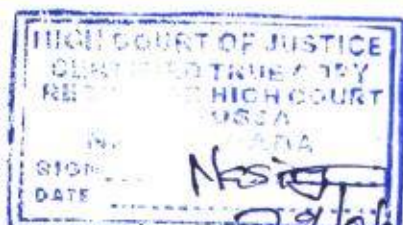
Take a look at exhibit D2 confirm to this court that this document (exhibit D2) is the only document that relates to any release of water between January and April, 2025?

DW1:

Yes, it is the only document.

Dr. Dayo-DW1:

Also confirm to this court that the said document (exhibit D2) does not have the name and signature of the person that authored it? If there is, show it to my lord.



DW1: Yes, it has (the witness showed the handwritten statement on the document indicating the document was authored by the witness).

Dr. Dayo-DW1: Also confirm to this court that there is no where the name of the defendant is mentioned in Exhibit D2.

DW1: There's nowhere.

Dr. Dayo-DW1: Confirm to this court that you did not author this document i.e. exhibit D2.

DW1: I am the author of exhibit.

Dr. Dayo-DW1: Show the court where your name and signature appears on exhibit D2.

DW1: My name and signature is on the document i.e. exhibit D2.

Dr. Dayo-DW1: Confirm to the court that exhibit D1 is not the original but a copy of the original. True or False?

DW1: True. The original copy is in the headquarters.

Dr. Dayo-DW1: Please confirm to the court that you are not the author of exhibit D1.

DW1: I am not the author of exhibit D1.

Dr. Dayo-DW1: Nothing in exhibit D1 to show that you attended the meeting True or False?

DW1: True.



Dr. Dayo-DW1: Do you still stand by your Witness Statement on Oath or you intend to alter same.

DW1: I stand by it.

Dr. Dayo-DW1: You've never been to this court. True or False?

DW1: True.

Dr. Dayo-DW1: You also have never been to Minna in respect of this matter. True or False?

DW1: True.

Dr. Dayo-DW1: I suggest or put it to you that, you don't know the claim of the plaintiffs before this court?

DW1: I don't know the claim of the plaintiffs' before this court.

Dr. Dayo-DW1: You are an employee of the defendant. True or False?

DW1: True.

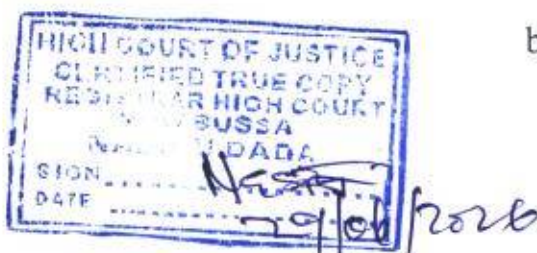
Dr. Dayo-DW1: Have you ever visited Guzan and Wuchi communities?

DW1: I have visited all the communities via air and road.

Dr. Dayo-DW1: What are the functions of hydrologist?

DW1: The function of hydrologist in Mainstream is water management or generation of power.

Dr. Dayo-DW1: Sequel to your paragraph 14 of Witness Statement on Oath, tell the court the radius that downstream communities would be safe to live.



DW1: The downstream communities ought to live one kilometre away from the river bank. The downstream communities were adequately resettled.

Dr. Dayo-DW1: The downstream communities are supposed to stay-one (1) kilometre away from the river bank?

DW1: Yes.

Dr. Dayo-DW1: Which law provide for the downstream communities to live one (1) kilometre away from the river bank?

DW1: Water law.

Dr. Dayo: My lord we are grateful for the indifference. That will be all for the witness.

Court-B.S. Akinwumi: Any re-examination of your witness (DW1)?

B.S.A: Nil. We pray the court to discharge my witness from the witness box.

Court: In the absence of re-examination of DW1, the said witness is accordingly discharged from the witness box.

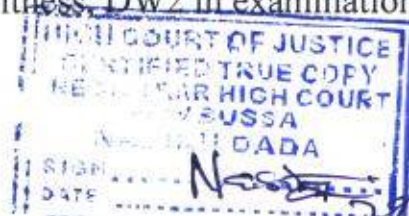
Court-B.S.A: Do you intend to call any other witness in this case?

B.S.A: Yes, my lord the second witness in the list of our witnesses is one Mr. Gbenga Adebola.

Court-Registrar: Affirm Gbenga Adebola as DW2 in this case.

Registrar: The witness, DW2 has been affirmed as directed by the court.

Court-B.S. Akinwumi: Proceed to lead your witness, DW2 in examination on chief.



**EXAMINATION IN CHIEF OF GBENGA ADEBOLA AS (DW2).**

B.S. Akinwumi -DW2: Tell the court your name, address and what you do for a living.

DW2: My name is Olugbenga Adebola. I am the head of corporate communication of the Mainstream energy solution ltd. I am a communication consultant. I am also a member of Nigeria institute of public relations.

B.S.Akinwumi-DW2: Do you remember deposing to a Witness Statement on Oath sometime in September, 2025?

DW2: Yes, I remember.

B.S. Akinwumi-DW2: If you see the statement, how do you identify it?

DW2: I can identify any Witness Statement on Oath by my name and signature.

B.S.Akinwumi-DW2: Have a look at this document and tell the court whether it is the Witness Statement on Oath you were referring to?

DW2: (After looking at the document): Yes, it is my Witness Statement on Oath I deposed to.

B.S.Akinwumi-DW2: What do you want the court to do with your Witness Statement on Oath?

DW2: I adopt it as my evidence in this case.



B.S. Akinwumi - DW2: In your paragraph 7 of your Witness Statement on Oath you made mention of payment for advert. If you see the evidence of payment of the adverts, can you identify it?

DW2: Yes, I can identify it if I see it.

B.S. Akinwumi - DW2: What is the name of the radio station and newspaper?

DW2: Prestige Radio Station and Divine prints.

B.S. Akinwumi - Dw2: Have a look at these receipts and tell the court whether they are the evidence of payments you are referring to.

DW2: (After studying the documents): Yes, they are the evidence of payments for the advert paid to prestige F.M station and divine prints.

B.S. Akinwumi: My lord, the witness (DW2) having identified the documents we seek to tender same in evidence.

Court - Dr. Dayo: Any objection to the admissibility of the documents tendered by the defence via DW2 in evidence?

Dr. Dayo: Yes, we are objecting to the admissibility of these documents in evidence. However we reserve the grounds of our objection until the final address.

Court: The three (3) documents tendered by the defence in evidence are accordingly, in the interim, admitted in evidence as sought by the defence. Though, the Plaintiffs counsel may raise any issue regarding the inadmissibility of the documents



in their final address. In other words, the letter from prestige F.M Radio, 91.7 MHZ Minna, dated the 28<sup>th</sup> July, 2025, addressed to executive director finance of the defendant title; Proposal for airing of Radio jingle is marked as exhibit P1. Whereas another letter from Prestige F.M Radio 91.7 MHZ, dated the 5<sup>th</sup> September, 22 addressed to the Executive Director, finance of the defendant titled; Proposal for airing of radio jingle is marked as exhibit P2. Again, invoice with I.D no: FDHL 2025=001, dated the 30<sup>th</sup> July, 2025 issued by divine prints to the defendant is marked as exhibit P3.

B.S. Akinwumi: My lord that is all for my witness (DW2) in examination in chief.

Court-Dr. Dayo: Do you intend to cross examine DW2?

Dr. Dayo: Yes, we've few questions to ask the witness, DW2.

Court-Dr. Dayo: You may proceed with your questions.

**CROSS-EXAMINATION OF OLUGBENGA ADEBOLA (DW2).**

Dr. Dayo - DW2: Do you still stand by the 17 paragraphs of your witness statement on oath, you just adopted and whether you intend to change it?

DW2: Yes, I stand by it.



Dr.Dayo-DW2: You never visited this court relative to this case. True or False?

DW2: True, I have never visited this court in respect of this case.

Dr.Dayo-DW2: Have you ever been to Minna, High court in respect of this case?

DW2: I have never been to Minna High court in respect of this case

Dr. Dayo-DW2: I suggest that being a Media Practitioner, you don't know the radius the downstream communities are suppose to stay away from the river bank.

DW2: The exact ramification of the radius, I am not fully conversant.

From the River bank, there is a flood marker which forms the ramification where all activities in whatever form or manner must not take place. Those are the markers used to warn people. They are geospatial location; they indicate where water would inundate.

Dr.Dayo-DW2: You don't know the distance where a community should not be aside from the marker?

DW2: I don't know the exact distance.

Dr. Dayo-DW2: So because you don't know the exact metres you cannot also identify the flood prone areas True or False?

DW2: I can identify the flood prone areas by the flood marker.



Dr. Dayo-DW2: I suggest to you, you don't know the claim of the plaintiffs' before the court.

DW2: I do know the claim of the plaintiffs' before this court.

Dr. Dayo-DW2: I suggest to you in the entirety of your Witness Statement on Oath you've not mention the claim of the plaintiffs'.

B.S. Akinwumi: I object to this line of question in view of S, 123 of the E.A 2011.

Dr. Dayo: My lord in order not to belabour you, I withdraw the question.

Court: The question put forward by the plaintiffs' counsel having being withdrawn by him is accordingly struck-out.

Dr. Dayo-DW2: Have a look at exhibit P1, P2, and P3 and tell the court whether not you are the maker?

DW2: I am not the maker of those documents.

Dr. Dayo-DW2: Have a look at exhibits P1 and P2 and confirm to this court that those exhibits are only proposals?

DW2: They are not just proposal.

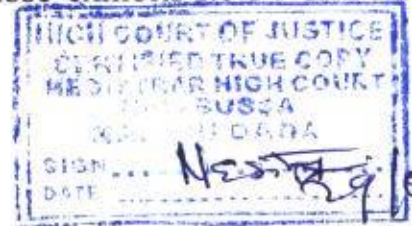
Dr. Dayo-DW2: Read the title of exhibits P1 and P2 to the hearing of the court.

DW2: (The witness read the title of the afore-referred exhibits to the hearing of the court).



Dr. Dayo-DW2: Do you still stand that those exhibits i.e P1 and P2 are not proposal?

DW2: Yes, I do.



Dr. Dayo-DW2: Read the last three (3) lines of exhibits P1 and P2 before the signature.

DW2: (The witness read the last three (3) lines of exhibits P1 and P2).

Dr. Dayo-DW2: As a media consultant, what is the meaning of the word “proposal”?

DW2: Proposal in this context means desire to do.

Dr. Dayo-DW2: Confirm to this court that exhibit P3 is an invoice and not a receipt of payment?

DW2: Yes, it is an invoice not a receipt.

Dr. Dayo-DW2: Confirm to the court whether the persons that signs exhibits P1, P2 and P3 are one and the same?

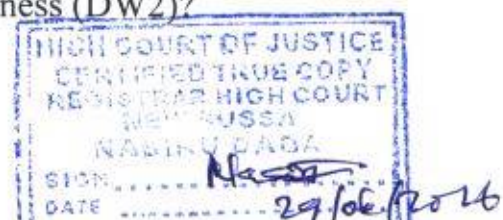
DW2: The managing director that signs exhibits P2 and P3 bears the same name.

Dr. Dayo-DW2: Check exhibits P2 and P3 whether the signature on those documents are one and the same?

DW2: The signatures on exhibit P2 and P3 are not the same.

Dr. Dayo-DW2: That will be all for the witness.

Court-B.S. Akinwumi: Any re-examination of your witness (DW2)?



B.S. Akinwumi: Nil. In the circumstance we pray the court to discharge our witness (DW2) from the witness box to enable us call our last witness, DW3.

Court: In the absence of re-examination of DW2, the witness is hereby discharged from the witness box. The defence may call on their last witness, DW3 to the witness box.

Court-Registrar: Affirm Bara'u Abdullahi Shanono as DW3 in this case.

Registrar: The witness DW3 is affirmed as directed by the court.

**EXAMINATION IN CHIEF OF BARA'U ABDULLAHI SHANONO ( DW3).**

B.S.Akinwumi-DW3: Tell the court your name, address and what you do for a living.

DW3: My name is Bara'u Abdullahi Shanono in charge of corporate social responsibility and community relation department of the defendant.

B.S.Akinwumi-DW3: Do you recall deposing to a Witness Statement on Oath sometime in September 2025?

DW3: Yes, I remember.

B.S.Akinwumi-DW3: If you see the Witness Statement on Oath, can you identify it?



DW3: Yes, I can identify it by my name and signature.

B.S. Akinwumi - DW3: What do you want to do with it?

DW3: I am adopting it as my evidence in this case.

B.S. Akinwumi - DW3: In Paragraph 5, 6 and 7 of your witness statement on oath, you made mention of leaflet and production of banners in both Nupe and Hausa Languages; how would you identify these banners and leaflets?

DW3: I would identify them by their colours and the inscription. The banners inscriptions are in Hausa, Yoruba, Bisan, Nupe and English languages for better understanding.

B.S. Akinwumi-DW3: Have a look at these banners, posters, leaflets and letters and tell the court whether they are the ones you were referring to in your Witness Statement on Oath.

DW3: (After studying the banners, posters, leaflets and letters shown to him by B.S. Akinwumi, the defence counsel) Yes, they are the one I was referring to.

B.S. Akinwumi: My lord, the witness (DW3) having identified the posters, leaflets and banners and letters, we seek to tender same in evidence.

Court-Dr. Dayo: Do you have any objection to the admissibility of the banners, posters, leaflets and letters, tendered in evidence by the defence?



Dr. Dayo: We have no objection, my lord.

Court: In consequence of no objection stands of the plaintiffs' counsel to the admissibility of banners, posters, leaflets and letters tendered in evidence by the defence, the said documents are accordingly admitted in evidence as marked as follows:

- (1) Copies of banners (2) for the year 2024 and 2025 are admitted in evidence and marked as exhibit B1 and B2 respectively and
- (2) Copies of posters (2) for the year 2024 and 2025 are accordingly marked as SP1 and SP2 respectively and
- (3) Copies of leaflets for the year 2023, 2024 and 2025 are marked as LF1, LF2 and LF3 respectively and
- (4) Copy of a letter (unaddressed), dated the 11<sup>th</sup> August, 2025, signed by one Engineer Adeniyi Sunday Ag. Chief Technical Officer, Titled: "possible flooding of River Niger and River Kadina up and down streams of Kainji, Jebba and Zungeru dams" made on the letter headed paper of the defendant, is accordingly marked as exhibit LT 01.

B.S. Akinwumi: That is all for examination in Chief for DW3.

Court-Dr. Dayo: Do you intend to cross-examine DW3?

Dr. Dayo: Yes, I do.

Court-Dr. Dayo: You may proceed with your cross-examination of DW3.



**CROSS-EXAMINATION OF BARA'U ABDULLAHI SHANONO (DW3)**

Dr. Dayo-DW3: Confirm to the Hon. Court that you stand by your Witness Statement on Oath and you do not intend to change anything.

DW3: Yes, I do stand by my deposition in the Witness Statement on Oath.

Dr. Dayo-DW3: For how long have you been the head of corporate social responsibility and community relation department of the defendant?

DW3: For about 14 years.

Dr. Dayo-DW3: Have you ever been to Guzan and Wuchi Community? Yes or No?

DW3: Yes, I have been there.

Dr. Dayo-DW3: You will agree with me that, the members of the communities i.e Guzan and Wuchi are mostly farmers?

DW3: Yes, they are mostly farmers.

Dr. Dayo-DW3: As part of your work with the defendant, you will agree with me your job also include social responsibility. True or false?

DW3: True.

Dr. Dayo - DW3: Confirm to this court how you come to know Guzan and Wuchi community.

DW3: I know Guzan when they made request for a project and visited the site of the propose project with civil engineer for assessment in the year 2025. I have been to Guzan twice in 2025 for project assessment.



The propose project is for the construction of high rising bridge. The 1<sup>st</sup> visit was either in January, 2025 or May, 2025 and the 2<sup>nd</sup> visit was either in September or October, 2025.

Dr. Dayo-DW3: When you visited Guzan, did you go there by air or by road?

DW3: I went there by road.

Dr. Dayo-DW3: Confirm to the court whether Wuchi or Guzan Community or even Niger State is written on exhibit B1?

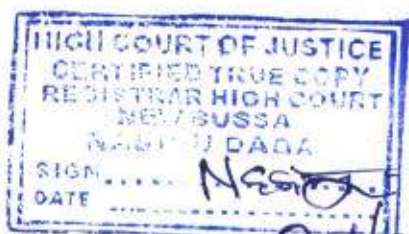
DW3: It is not written.

Dr. Dayo-DW3: Confirm to this court whether the names of Wuchi, Guzan or even Niger State are written on exhibit B2?

DW3: The names of Guzan or Wuchi community are not written on exhibit B2.

Dr. Dayo-DW3: Have a look at these documents i.e. exhibit SP1, SP2, LF1, LF2, LF3 and tell the court whether the names of Wuchi and Guzan Community is written on those exhibits?

DW3: The names of Wuchi or Guzan Community are not written on those exhibits. We made the production of the banners, posters and leaflets uniformly without listing the names of communities within the River bank because if we are to do that, the posters would not be sufficient to contain those names. The Guzan and Wuchi community are sNupe



speaking communities. So, one of the sensitization inscription on the exhibits was made in Nupe language.

We served the communities with the posters, leaflets and banners through their Local Government, State Government, Councillor and Traditional leaders.

Dr. Dayo-DW3: Do you have any evidence before this court showing that you certainly served the communities through the channels you mentioned?

DW3: I have the evidence but it is not before the court.

Dr. Dayo-DW3: That will be all for the witness (DW3).

Court-B.S. Akinwumi: Any re-examination of your witness (DW3)?

B.S. Akinwumi: Nil, we pray the court to discharge our DW3 from the witness box in the absence of further question.

However, we intend to file consequential amendment of our processes in view of the amendment of the originating process filed by the plaintiffs. In the same vein, we may apply for subpoena to compel the attendance of one of our witness to court. We suggest the 16<sup>th</sup> May, 2026 for a visit to Wuchi and Guzan communities. Though, the 16<sup>th</sup> May, 2026, will be Saturday, I agree that, we should proceed to locus visit on that date subject to the convenience of the court and the plaintiffs' counsel.



Court-Dr. Dayo: Is 16<sup>th</sup> May, 2026 convenient to you for the court to conduct locus visit to Wuchi and Guzan Community?

Dr. Dayo: My lord 16<sup>th</sup> May, 2026 is convenient to me.

Court: Case adjourns to the 16<sup>th</sup> May, 2026 for locus visit to Guzan and Wuchi Community, Dw3 accordingly discharged.

Signed.....

Hon. Justice Adamu Abubakar

Presiding Judge.

05<sup>th</sup> May , 2026.

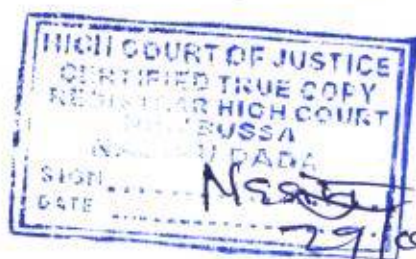
16<sup>TH</sup> MAY , 2026

### LOCUS VISIT

Parties: The Plaintiffs and Mr. Shanono Abdullahi represented the defendant are present at the locus

Venue: Guzan and Wuchi communities inclusive of water ways of River Niger that passes through the communities

Purpose of the visit: To inspect the extent of damages caused to the communities as a result of water allegedly released by the defendant.



Appearance:

Dr. Dayo Ashonibare for the plaintiffs; B.S. Akinwumi for the defendant.

Court :

The court is at the locus ie scene of the flooding, occasioned via excess water allegedly released by the defendant of which the plaintiffs and those they represent allegedly suffered damages, to conduct inspection only in line with the provision of section 127(2) (b) of the Evidence Act , 2011. Thus, the plaintiffs will lead the court by way of pointing the areas affected by the flood and possibly point areas damaged by the flood. Thereafter, the defendant will show the flood marker and where the plaintiffs' communities where resettled.

### AT GUZAN COMMUNITY

Court - Plaintiffs: I believe this is Guzan community , can you show the court the areas affected by the flood?

1<sup>st</sup> Plaintiff:

Yes, this is Guzan community and the place affected by the flood starts from this River EGAR up to the main water ways of River Niger which includes Wuchi community. In between river EGAR and Wuchi community are our rice plantation farmlands which were adversely affected by the flood.



Court - 1<sup>st</sup> Plaintiff: Where is water corridor created by the flood?

1<sup>st</sup> Plaintiff: River EGAR.

Court - 1<sup>st</sup> Plaintiff: For how long has River EGAR being in existence ?

1<sup>st</sup> Plaintiff: It has been in existence for a very long time .

Court - 1<sup>st</sup> Plaintiff: Where is the source of the water i.e River EGAR ?

1<sup>st</sup> Plaintiff: It is part of River Niger and reconnects back to River Niger at its extreme end.

### AT WUCHI COMMUNITY

Court - 2<sup>nd</sup> Plaintiff: I believe this is Wuchi community?

2<sup>nd</sup> Plaintiff: Yes, this is Wuchi community.

Court - 2<sup>nd</sup> Plaintiff: Can you show to court areas affected by the flood?

2<sup>ND</sup> Plaintiff: From the common farmland boundary we shared with Guzan community up to the natural habitat of River Niger waterways which is very close to us was affected by the flood. We have our rice farms in the areas affected and our crops got damaged.

### AT THE RIVER NIGER WATERWAYS CLOSE TO WUCHI COMMUNITY

Court - Defendant's Representative: Where is the flood marker where individual are not supposed to farm or do anything?



Defendant Representative: I don't know where it is. But I know there is a flood marker.

Court - Defendant's Representative: Were the Plaintiffs' communities provided with resettlement accommodation? If yes, where is the accommodation situate?

Defendant's Representative: Yes, the plaintiffs' communities were provided with resettlement accommodation but the location is not within my knowledge.

### **OBSERVATION OF THE COURT AT THE LOCUS**

Court: At the locus, the court observed the followings :

1. At Guzan community, we noticed the existence of a River called EGAR situate in Guzan towards Wuchi community which can only be crossed via the aid of a canoe.
2. Guzan and Wuchi communities are primarily agrarian.
3. Jebba dam is situate far away from the two communities by water.
4. River Egar is connected to River Niger.
5. Relics of a seemingly solid bridge at River **EGAR** in Guzan community.
6. River Niger is the natural water-ways for Jebba dam.
7. No flood marker was shown to the court.
8. There's no resettlement accommodation shown to court provided to the plaintiffs' communities.



9. The distance between the River bank of River Niger and Wuchi community is approximately 700m<sup>2</sup>.
10. No property was shown to the court allegedly damaged by the flood.
11. A large expanse of land was shown to the court as the farmlands of the two communities allegedly damaged by the flood i.e excess water released by the defendant. Though, during the visit, the expanse of land was majorly occupied by rice plantation.

Case adjourns to 3<sup>rd</sup> June, 2026 for continuation of hearing. However, notwithstanding the highlighted observation of the court at the locus, this court shall abide by the guidance and principles enunciated by the court of appeal in

**OLABODE OYEWINLE V ARAGBIJI OF IRAGBIJI AND ORS (2012) LPELR-9328 (C. A); COLONEL JONATHAN NIMYEL RTD V PROF. OLADELE AKOGUN (2021) LPELR-56318 (C. A); and GODIYA EVENT CENTRE AND ORS V SHENYUA PAJO (2024) LPELR -61893 (C. A) .**

In other words, I would not use my perception garnered at the locus as a finding of fact without evidence supportive of such perception given by a witness at the locus or later in the court.

Signed.....

**Hon. Justice Adamu Abubakar**

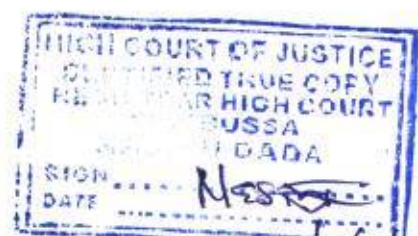
Presiding Judge

16<sup>th</sup> May, 2026



03<sup>rd</sup> June, 2026

- Parties: Plaintiffs' not in court. Defendant represented by Bara'u Abdullahi Shamono.
- Appearances: *Dr. Dayo Ashonibare* for the plaintiffs; *B.S. Akinwumi* for the defendant.
- B.S.A: Today is slated for continuation of defence. We consequentially amended our statement of defence and brought in a further witness which witness becomes the 4<sup>th</sup> defence witness in the list of our witnesses. Subject to the court's overriding convenience and strength, we seek to take the further witness.
- Dr. Dayo: No objection.
- Court -B.S.A: You may proceed to call on your DW4.
- B.S.A: Our DW4 is in person of *Mr. Mohammed Abdullahi*. My lord, there are two (2) filed Witness Statement on Oath bearing the name of *Mohammed Abdullahi*. One of the Witness Statement on Oath was filed on 15<sup>th</sup> May, 2026 and the other one was filed on 21<sup>st</sup> May, 2026, we respectfully apply that the court strikes out Witness Statement on Oath for *Mohammed Abdullahi* filed on the 15<sup>th</sup> May, 2026.
- Dr. Dayo: No objection, my lord.



Court: The Witness Statement on Oath of *Mohammed Abdullahi* filed on the 15<sup>th</sup> May, 2026 sought to be struck-out by the defence counsel is accordingly struck-out in the absence of any objection. In consequence, Witness Statement on Oath of *Mohammed Abdullahi* filed on the 15<sup>th</sup> May, 2026 ceases to be of any value and does not form part of the W.S.O filed and to be relied by the defence.

B.S.A: My lord in the circumstance, we present *Mohammed Abdullahi* as DW4 before the court and to be affirmed before he commences his oral evidence.

Court-Registrar: Affirm *Mohammed Abdullahi* a DW4 in this case.

Registrar: The witness, *Mohammed Abdullahi* is affirmed as DW4 in this case.

Court-DW4: In what language do you wish to relate with the court?

DW4: English Language.

#### **EXAMINATION IN CHIEF OF MOHAMMED ABDULLAHI (DW4)**

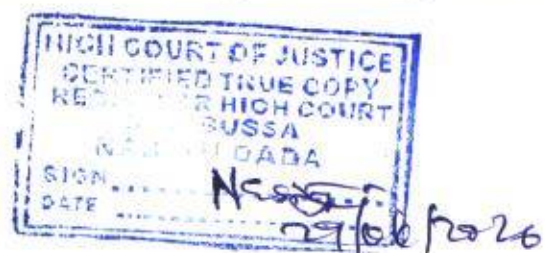
B.S.A-DW4: You remember you deposed to a Witness Statement on Oath?

DW4: Yes I remember deposing to a Witness Statement on Oath.

B.S.A-DW4: If you see the Witness Statement on Oath how do you recognise it?

DW4: My name was written on it and I signed.

B.S.A-DW4: Have a look at this document and tell the court whether it is the Witness Statement on Oath you were referring to have deposed to.



D.W4: (Briefly studied the document) yes, it is my Witness Statement on Oath which I deposed to.

B.S.A-DW4: What did you want to do with it i.e your Witness Statement on Oath?

DW4: I want to use it as my evidence in this case.

B.S.A: My lord the witness has adopted his Witness Statement on Oath as his evidence in this case. That's all for the witness in examination in chief.

Court-Dr. Dayo: Do you wish to cross-examine of DW4 over his evidence in chief?

Dr. Dayo: Yes, my lord, just a few question.

Court-Dr. Dayo: You may proceed with your cross-examination of DW4.

**CROSS-EXAMINATION OF MOHAMMED ABDULLAHI (DW4)**

Dr. Dayo-DW4: Confirm to this court that you are an employee of the defendant.

DW4: Yes I am an employee since 2014.

Dr. Dayo-DW4: You were employed by the defendant as hydrologist. Yes or No?

DW4: Yes.

Dr. Dayo-DW4: You are not an urban regional planner but a hydrologist. True or False?

DW4: True.

Dr. Dayo-DW4: In which year were you certified as a hydrologist?

DW4: 2008.



Dr. Dayo: Do you stand by your Witness Statement on Oath or there's something you want to change from it?

DW4: I stand by my Witness Statement on Oath.

Dr. Dayo-DW4: Confirm to this court that River Egar you mentioned in paragraph 42 - 43 of your Witness Statement on Oath is a tributary.

DW4: Yes, River Egar is a tributary.

Dr. Dayo-DW4: As a hydrologist, River Egar emanated from where?

DW4: From the looks of things it emanated from River Kaduna.

Dr. Dayo-DW4: You are not sure whether River Egar is from River Kaduna. True or False?

DW4: I am sure River Egar is from River Kaduna.

Dr. Dayo-DW4: I put it to you that River Egar is from River Ida, Kogi State.

DW4: I don't know.

Dr. Dayo-DW4: What do you understand by a tributary as a hydrologist?

DW4: The River that fed the main River is called tributaries.

Dr. Dayo-DW4: I put to you that River Egar flows into River Niger and not that River Niger flows into River Egar.

DW4: River Egar flows into River Niger and not the other way round.

Dr. Dayo-DW4: Confirm to court the direction River Egar flows into River Niger.

DW4: I don't know the direction River Egar flows to River Niger.

Dr. Dayo-DW4: Confirm to court that water was released by the dam from January to April, 2025. True or false?



DW4: True.

Dr. Dayo-DW4: In your paragraph 23 you said the defendant released water in strict adherence to professional guidelines issued by **N.I.H.S.A and N.E.M.A** and other competent authorities?

DW4: True.

Dr. Dayo-DW4: I put it to you that you don't know the current guidelines of the two (2) agencies i.e. **N.I.H.S.A and N.E.M.A**. true or false?

DW4: I don't know.

Dr. Dayo-DW4: Since you don't know the current guideline, you equally don't know when it was issued. True or false?

DW4: True.

Dr. Dayo-DW4: I would be also correct that you don't know any content of the guideline of the two (2) agencies. True or false?

DW4: True. I don't know any of the content of the guideline.

Dr. Dayo-DW4: Would I be right to say that, the date the court visited the two (2) communities i.e. Guzan and Wuchi on the 16<sup>th</sup> May, 2026 was equally your first time you visited any of the two (2) communities. True or false?

DW4: True.

Dr. Dayo-DW4: Tell the court what you mean by ***HYDROLOGICAL MODEL*** as a hydrologist.



DW4: It is software used for flood forecasting and other hydrological operation.

Dr. Dayo-DW4: Who are the ultimate beneficiaries of the flood forecasting?

DW4: We benefit from the flood forecasting software and also the Riparian communities.

Dr. Dayo-DW4: Who are these Riparian communities?

DW4: Riparian communities are river communities i.e. people living at the river bank.

Dr. Dayo-DW4: In your paragraph 37 of your Witness Statement on Oath you allude to the fact that, the plaintiffs' are living in a flood prone areas. Do you stand by such statement?

DW4: I stand by such statement in my Witness Statement on Oath.

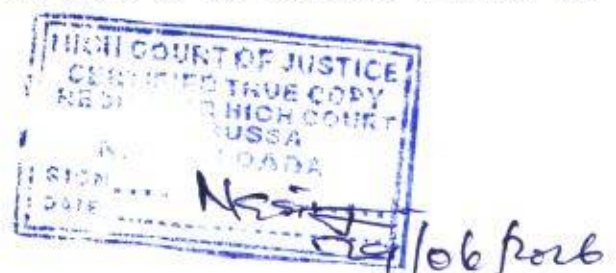
Dr. Dayo-DW4: I would be right to say that the plaintiffs' communities are also Riparian community?

DW4: You are right.

Dr. Dayo-DW4: How do you step-down the flood forecast to the Riparian communities?

DW4: We do relate the information of the release of water to the Riparian community specifying dates and time of the release of water from the dam.

Dr. Dayo-DW4: Why is't important to inform them of the date and time of the release of water?



DW4: For the Riparian communities to move away from the flood prone areas.

Dr. Dayo-DW4: Who are charged with the responsibility of disseminating such information to the Riparian communities?

DW4: The public relation officers of the defendant are responsible for dissemination of such information.

Dr. Dayo-DW4: As a hydrologist and not part of public relation officer, you don't have evidence that, the plaintiffs' were informed of the date and time the defendant will be releasing water.

DW4: I have the record of all the activities. The Riparian communities were informed.

Dr. Dayo-DW4: Do you have the record now to show the court evidence that; the plaintiffs' communities were informed?

DW4: I don't personally have it.

Dr. Dayo-DW4: Did you sign your Witness Statement on Oath before the court or before your lawyer?

DW4: I signed the Witness Statement on Oath before the Registrar of the court.

Dr. Dayo-DW4: Do you stand by paragraph 42 of your Witness Statement on Oath?

DW4: Yes, I stand by it.



Dr. Dayo-DW4: I put it to you the basis of your paragraph 42 was based on the survey drawing tendered by the plaintiffs' registered as Exhibit SD 001. True or false?

DW4: True.

Dr. Dayo-DW4: Take a look at this survey is't the survey you were referring to?

DW4: (After studying the Exhibit S.D 001 briefly): Yes, that is the survey.

Dr. Dayo-DW4: Show to court where River Egar is written on exhibit S.D 001.

DW4: River Egar is not written on the survey drawing i.e. exhibit S.D 001.

Dr. Dayo-DW4: Do you know the radius of S.D 001?

DW4: I don't know.

Dr. Dayo-DW4: As hydrologist and not a surveyor, you cannot interpret Exhibit S.D. 001.

DW4: I can interpret or say something about the document.

Dr. Dayo-DW4: Proceed with your interpretation.

DW4: The green mark represents River Egar and the other two (2) sides are Guzan and Wuchi communities.

Dr. Dayo-DW4: I put it to you there's nothing in S.D 001 indicating that, the Green mark represent River Egar.

DW4: There's nothing. I said the green mark represent River Egar because I have been there when the court visited the area.



Dr. Dayo-DW4: These communities you mentioned in paragraph 40 you've never visited any of these communities. True or false?

DW4: False, I visited some of the communities.

Dr. Dayo-DW4: Tell the court the communities you visited out of the communities you mentioned in paragraph 40 of your Witness Statement on Oath.

DW4: I visited Mazhi, Gungu, Jebba South, Fanga, Shonga, Lafiagi suit.

Dr. Dayo-DW4: When last did you visit the communities you mentioned to have visited?

DW4: I last visited those communities in November, 2025.

Dr. Dayo-DW4: Do you know the distant between River Niger to the 1<sup>st</sup> house in Mazhi community.

DW4: I don't know, but it is close to River Niger.

Dr. Dayo-DW4: Do you know the distant between River Niger and other communities you visited?

DW4: I would not know.

Dr. Dayo-DW4: Do you have any evidence to support your testimony in paragraph 48 of your Witness Statement on Oath?

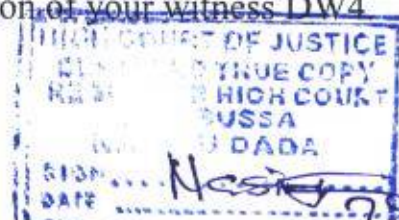
DW4: I don't have.

Dr. Dayo-DW4: That will be all for DW4 as far as cross-examination is concerned.

Court-B.S.A: Any re-examination of DW4?

B.S.A: Yes, I have one question to ask the witness under re-examination.

Court-B.S.A: Proceed with your re-examination of your witness DW4



**RE-EXAMINATION OF MOHAMMED ABDULLAHI (DW4).**

B.S.A-DW4: You used the word ‘we’ benefit and the riparian communities under cross-examination when you were asked who the beneficiaries of the hydrological software were. Can you explain to court who and who constitute your “we benefit”. In other words who are those “we”?

DW4: The “we” I was referring to as beneficiaries of the hydrological software are?

- (1) Mainstream Energy Solution.
- (2) The Federal Government of Nigeria.

B.S.A: That’s all for this witness, my lord. We are therefore also soliciting for the court to visit Jebba dam. We suggest the 24<sup>th</sup> June 2026 for locus visit to Jebba dam, subject to court’s convenience.

Dr. Dayo: 24<sup>th</sup> June, 2026 is convenient for me.

Court: Case adjourns to 24<sup>th</sup> June, 2026 for visit to Jebba dam and possible continuation of hearing.

Signed.....

**Hon . Justice Adamu Abubakar**

Presiding Judge

03<sup>rd</sup> June, 2026.



Wednesday 24<sup>th</sup> June 2026

Parties: Parties in court

Appearances: Dr. Dayo Ashonibare for the plaintiffs; B.S. Akinwumi for the defendant.

B.S.A: My lord, the matter is slated for continuation of defence. In court today, we have a subpoena witness. Subject to your lordship convince, we are ready to proceed.

Dr. Dayo Ashonibare: We are ready to proceed

Court-B.S.A: You may proceed to call on your subpoena witness.

B.S.A: My subpoena witness is in persons of EVANS CHIMDIGA. He is before the court and in the witness box ready to be affirmed.

Court-Registrar: Affirm **EVANS CHIMDIGA** before he commences his evidence.

Registrar: The witness: **EVANS CHIMDIGA** has been affirmed as directed by the court.

Court-B.S.A: You may proceed with your examination in Chief.

**EXAMINATION IN CHIEF OF EVANS CHIMDIGA – (DW5).**

B.S.A-DW5: Your office: Nigeria Hydrological Services Agencies was served with a subpoena testificandum and ducestecum on 15<sup>th</sup> June, 2026. True or False?



DW5: Yes

B.S.A-DW5: In the subpoena duce tecum, you were directed to come to court along with:

- (1) Flood-forecast for the year 2025, released or prepared in the year 2024;
- (2) Date of water released by the defendant at its Jebba dam for the month of January and April, 2025.

Do you have the above listed documents with you?

DW5: Yes, all the documents are with me.

Dr. Dayo Ashonibare: We intend to address the court on the issue of the subpoena at the final address.

B.S.A: No objection.

Court: Addressing the court on the subpoena by the plaintiff at the final address is in tandem with our pre-trial conference report.

B.S.A: The letter covering the documents sought in the subpoena. But first of all, we intend to tender the flood forecast for the 2025 along flood forecast map for the 2025 in evidence which documents were prepared in the year, 2024.

Dr. Dayo Ashonibare: We object to the admissibility of these documents in evidence but we shall provide detail reasons in our final written address.



Court:

The documents i.e. 2025 flood forecast map; 2025 flood outlook i.e flood forecast; 2025 Annual flood outlook (flood mitigation and adaptation) and 2025 Annual flood outlook (flood risk communication) of which documents were prepared by Nigeria Hydrological Services Agency (NHSA) tendered in evidence by the defence via DW5 are accordingly admitted in evidence on temporal basis in line with P.T.C report and marked as exhibits Map 001. Flood 001; flood 002 and flood 003. The documents would be rejected by the court in the course of writing judgment i.e evaluation of evidence if cogent reason (s) is or are provided by the plaintiffs regarding their inadmissibility in his final address.

B.S.A:

We also tender the subpoena issued to DW5 by this court, dated the 8<sup>th</sup> June, 2026; covering letter from Nigeria Hydrological Services Agency (NIHSA), dated the 23<sup>rd</sup> June, 2026 and water release record for the months of January and March, 2025 in evidence.

Dr. Dayo Ashonibare:

We object to the admissibility of these documents. We shall, at the final address provide detail reason (s) in support of our objection.

Court:

The documents i.e. subpoena issued to the D.G Nigeria Hydrological Services Agency by this court; the covering



letter from the Nigeria Hydrological Service Agency (NIHSA) titled: Re-subpoena duces tecum: provision of hydrological data, dated the 23<sup>rd</sup> June, 2026 and water release record for the month of January, March and April 2025 are accordingly admitted in evidence and marked as exhibits SUB 01, COV. 01 and R.W 01 respectively. Their admissibility at this stage is temporal in nature. If further reasons are provided by the plaintiffs regarding their inadmissibility in their written final address, this court shall expunge same from its record.

B.S.A-DW5: Tell the court your name, address, your profession and your work please and why you are in court.

DW5: My name is **EVANS CHINDIGA** of Nigeria hydrological services Agency, Abuja; I am a hydrologist i.e water resources engineer. I work with Nigeria Hydrological Services Agency. I am in court to submit the documents requested from my office and also to speak to the documents

B.S.A-DW5: Kindly speak to exhibit MAP 001 in relation to flood risk for the year 2025 in Mokwa, Kutigi and Jebba axis

DW5: MAP 001 is a map of Nigeria showing River Niger, River Benue and its tributaries. The flood map shows the scenario of flood occurrences throughout 2025. The indicator down



the map on the right side of the map shows the high risk area is in red colour; the moderate flood risk area is in yellow colour.

If we look at the map closely to the area of interest i.e Mokwa, Kutigi, and Jebba is dotted red and yellow. The map i.e exhibit MAP 001 is early warning tool which is usually presented publicly covering the 36 state including Abuja looking at the exhibit MAP 001 in relation to area of interest, you could see a lot of tributaries that drains the catchment into River Niger.

If you also looked at the Map in relation to area of interest, it is more of flood plain or low land area. That's all about exhibit MAP 001.

B.S.A-DW5: Tell the court what page 19 or 23 of exhibit flood 001 means in relation to area of interest.

DW5: It shows high flood risk area, moderate flood risk areas in the months of April, May and June, i.e. the 2<sup>nd</sup> quarter of the year 2025.

If you look at the table, Niger State is on the high flood and moderate flood areas. It is recorded that for the high risk areas in Niger State, seven (7) Local Government and 34 communities will be flooded for the same months of April,



May and June for moderate risk areas, thirteen (13) Local Government and 87 communities would be flooded.

B.SA-DW5: Exhibit R.W 001, can you speak to it?

DW5: Exhibit R.W 001 is a record of dam management in terms of water releases. It documented the inflow of water into Jebba dam; turbine discharge; spillage and the total discharge. By total discharge, we mean, total discharge indicated in the Exhibit. And the total discharge recorded for the month of January, February, March and April are all less than 3000 cumecs. In dam management that is low flow. That is it for now.

B S A: My lord that is all for DW5 under examination in chief.

Court-Dr. Dayo Ashonibare: Do you intend to ask the witness (DW5), any question under cross examination?

Dr. Dayo Ashonibare: Yes, my lord, I have few questions to ask the witness in cross examination.

Court- Dr. Dayo Ashonibare: You may proceed with your question.

### **CROSS-EXAMINATION OF EVANS CHIMDIGA (DW5)**

Dr. Dayo Ashonibare-DW5: Look at exhibit R.W 01, there is nothing on the document showing that this report is generated either in Mokwa, Jebba or Niger State.



DW5: Yes, there's something showing Jebba and Kanji. If you look at the document, there's J . B .indicating Jebba.

Dr. Dayo Ashonibare-DW5: Niger, Mokwa, Jebba or Kanji is not written on the document. Yes or No?

DW5: Yes.

Dr. Dayo Ashonibare-DW5: Take a look at exhibit flood 001. I put it to you that there is no forecast for the month of January, 2025 Yes or No?

DW5: Yes.

Dr. Dayo Ashonibare-DW5: Look at page 12 of flood 001, Niger State is captured as a moderate flood area for the months of April, May and June. Read the last paragraphs of page 12 of FLOOD 001.

DW5: (The paragraph was read)

Dr. Dayo Ashonibare-DW5: I put it to you that the flood forecast for April, 2-25 in exhibit flood 001 captures Niger State as a moderate flood area. Yes or No?

DW5: No.

Dr. Dayo Ashonibare-DW5: In the entirety of exhibit flood 001, specifically in respect of flood forecast for the month of January and



April, 2025. Mokwa was not captured as high flood risk area. Yes or No?

DW5: Yes, Mokwa was not captured.

Dr. Dayo Ashonibare: Exhibit flood 001 did not capture Jebba as a high flood risk area. Yes or No?

DW5: Yes, Jebba was not captured in the document i.e. exhibit flood 001.

Dr. Dayo Ashonibare-DW5: You are not part of the team that prepared exhibit flood 001. Yes or No?

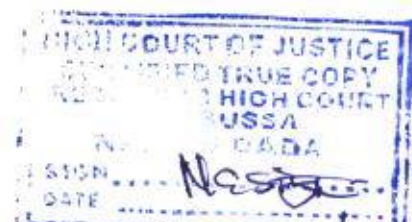
DW5: Yes I am part of the team that prepared exhibit flood 001.

Dr. Dayo Ashonibare-DW5: I will be correct to say that, you are familiar with the details of exhibit flood 001.

DW5: Yes I am familiar with it.

Dr. Dayo Ashonibare-DW5: Please tell the court what you mean by moderate flood risk area.

DW5: This is a classification of the severity of flood occurrences. This classification is obtained through scientific process that captures historic data and real time data.



Dr. Dayo Ashonibare-DW5: Can you describe in layman language what moderate risk area mean or instances of flood moderate risk area.

DW5: Flood moderate risk area, the people in those communities may have to move to higher ground or open their drains, if there are blocked drains.

Dr. Dayo Ashonibare-DW5: What are the differences between moderate and high risk flood areas?

DW5: The difference is only the severity. The high risk flood is more severe than the moderate flood risk areas.

Dr. Dayo Ashonibare: I would be right to say that exhibit flood 001 is an interpretation of exhibit MAP 001. True or False?

DW5: True.

Dr. Dayo Ashonibare-DW5: Who are the ultimate beneficiaries of exhibits MAP 001, flood 001, flood 002 and flood 003?

DW5: The communities are the ultimate beneficiaries of those documents.

Dr. Dayo Ashonibare-DW5: Why did you say that the communities are the beneficiaries of the exhibits i.e. exhibits MAP 001, flood 001, flood 002 and flood 003?



DW5: It is because it is an early warning tool to the public and especially the flood prone communities in order to mitigate flood disaster.

Dr. Dayo Ashonibare-DW5: Will I be right to say this is your first time of coming to Mokwa?

DW5: No, this is not my first time of coming to Mokwa.

Dr. Dayo Ashonibare-DW5: I put it to you that Niger State is predominantly Nupe and Hausa speaking community.

DW5: Yes, it is true.

Dr. Dayo Ashonibare-DW5: The exhibits MAP 001 flood 001, flood 002 and flood 003 are all written in English language. True or False

DW5: True.

Dr. Dayo Ashonibare-DW5: Look at exhibits flood 001, flood 002 and flood 003, MAP 001 there is no date of publication. True or False?

DW5: There's no date of publication of the documents. The documents are flood outlook for the year, 2025.

Dr. Dayo Ashonibare-DW5: There is no specific date apart from April, 2025, when the Minister wrote his forwarding letter. Yes or No?

DW5: Yes.

Dr. Dayo Ashonibare-DW5: The court did not pay you for attending today's proceedings. True or False?



DW5: True.

Dr. Dayo Ashonibare-DW5: The major function of your Agency is to monitor water level and not the releases of water. True or False?

DW5: That is not true. The major function of my Agency is to monitor both surface and ground water including lakes and reservoir in Nigeria.

Dr. Dayo Ashonibare-DW5: Before water is released from any of water station e.g Jebba and Kanji dams, your agency must be notified. True or False?

DW5: True.

Dr. Dayo Ashonibare-DW5: You don't have anything before this court to show that your agency was notified before water was released in Jebba dam by the defendant in the months of January and April 2025.

DW5: No document before the court.

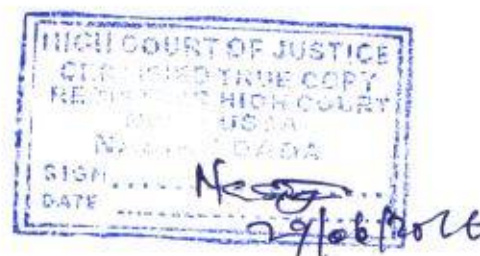
Dr. Dayo Ashonibare-DW5: Does your Agency predict weather?

DW5: NIMET predict weather.

Dr. Dayo Ashonibare-DW5: Would I be correct to say that WEATHER include rainfall, wind, temperature e.t.c

DW5: Yes.

Dr. Dayo Ashonibare-DW5: How do you monitor the release of water from the dams?



DW5: We have hydrological station for data collections.

Dr. Dayo Ashonibare-DW5: Your place of work is in Abuja and not in any of the hydrological station.

DW5: Yes you are right.

Dr. Dayo Ashonibare-DW5: I will be correct to say that, the hydrological stations are the one that report to your office in Abuja. True or False?

DW5: True.

Dr. Dayo Ashonibare: That will be all for DW5.

B.S.A: No my lord. My lord that is the case of the defence. And based on the order of court made on the 3<sup>rd</sup> June, 2026 that, this court will undertake a locus visit to Jebba dam. We are ready for the visit subject to court's convenience

Court- Dr D. Ashonibare: Are you ready for the locus visit to Jebba dam ?

Dr. Dayo Ashonibare: We are also ready for the visit to Jebba dam as earlier directed by the court.

Court: This court shall move to Jebba dam to conduct inspection only.



## LOCUS VISIT TO JEBBA DAM

Parties: All present at the locus

Purpose of the visit: Inspection only

Counsel to the parties: All of the counsel to parties i.e Dr. Dayo Ashonibare for the plaintiffs and B.S. Akinwumi for the defendant are at the locus i.e Jebba Dam.

Court: The purpose of our visit is to conduct inspection at the dam site and not to conduct any court proceeding via taking of evidence. Thus, the defendant representative may lead the court to the Reservoir of the dam.

## ACTIVITIES DURING THE INSPECTION

Cornelius Ayodeji Akande (DW1) led the court to the dam reservoir. At the dam reservoir the court was shown the water level of the reservoir; the Navigational Channel meant for the passage of ship or boat. Court was informed that, the navigation channel was never used since the inception of the dam in 1984.

The court was shown the spillway gates through which water from the dam are released if the water level is at its maximum ie excess. The court was further informed that the six (6) turbines are installed in the dam. The turbines are machines which generate electricity through the aid of water which propelled the turbines. The court was further informed that, the water is the source of energy or fuel to the turbines and once the water used in propelling the turbines serves its purpose; the water will be released through the dam – tail-race. More so, water discharged through tail-race are



always low because better functionality and maintenance of the turbines largely dependent on the low-level of water at the tail-race.

### **OBSERVATION OF THE COURT AT THE LOCUS : JEBBA DAM**

The court observed during the Locus visit the followings

- (a) The water level of the dam reservoir is low and water can only be discharged when the level is in excess.
- (b) The six (6) spillway gates of the dam are all closed;  
and
- (c) Five (5) out of the six (6) turbines are functioning during the visit, and
- (d) Each turbine will continuously release water once the water served its purpose through the tail-race;
- (e) The water level at the tail-race is low and it is the same water that passes through Wuchi and Guzan village. In other words , the water from the tail race flows down the eastern side of the dam,
- (f) The distance between Jebba dam to Wuchi and Guzan villages is averagely above fifty (50) kilometres on water. , and the two villages of the plaintiffs are situate at the eastern side of the dam.



Lastly this court will not use its observation as evidence except such facts observed during the visit are pleaded and evidence presented before the court at the trial. On the whole, case adjourns to 22<sup>nd</sup> July, 2026 for adoption of final written address.

Signed.....

**Hon. Justice Adamu Abubakar**  
Presiding Judge  
PO 24<sup>th</sup> June, 2026



.....  
REGISTRAR  
HIGH COURT OF JUSTICE  
NEW BUSSA, NIGER STATE  
DATE..... 29/06/2026