

IN THE MAGISTRATES' COURT OF RIVERS STATE OF NIGERIA
IN THE PORT HARCOURT MAGISTERIAL DISTRICT
HOLDEN AT SMALL CLAIMS COURT 1, PORT HARCOURT
BEFORE HIS WORSHIP COLLINS G. ALI, ESQ.,¹ TODAY WEDNESDAY, THE
10TH DAY OF JANUARY, 2024.

SUIT NO.: PMC/SCC/197/2023.

BETWEEN:

MR. BARIVARE BORNU

CLAIMANT

AND

1. MR. ONUOHA LAWSON FRIDAY

2. EXCELLENT JEWELS COMPANY NIG. LTD. ----

DEFENDANTS

Case called.

Claimant present.

Defendants absent.

P. I. Imabibo, Esq. with D. E. Williams, Esq. for the Claimant.

Defendants not represented.

SUMMARY JUDGMENT

The Claimant in this case claims against the Defendants as per his particulars of claim dated 12th day of October, 2023 and attached to the summons as follows:

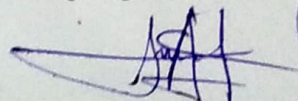
Debt/Amount Claimed - ₦1,568,200.00

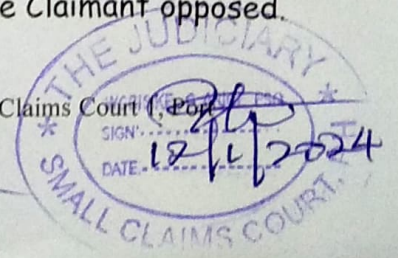
Cost of litigation - ₦300,000.00

Total Amount = ₦1,868,200.00

The Defendants were duly served with the complaint form and summons and they filed Form RSSC 5 dated and filed on the 8th day of November, 2023. The Defendants admitted in their said Form of Admission that they are indebted to the Claimant in the sum of ₦1,518,200.00 (One Million Five Hundred and Eighteen Thousand, Two Hundred Naira) only, and requested to make installmental payment of ₦50,000.00 only per month from the 31st January, 2024 which the Claimant opposed.

¹ LL B, LL M, BL, A. IDRI, Chief Magistrate Grade I, and the Presiding Magistrate, Small Claims Court, Port Harcourt, Rivers State.





Consequent upon the admission by the Defendants, the learned Claimant counsel prayed the Honourable Court pursuant to section 123 of the Evidence Act, 2011 to enter judgment in favour of the Claimant in the amount admitted together with cost; arguing that the Defendants by their admission form filed also agreed to pay cost.

I agree with the learned Claimant counsel that facts admitted need no further proof. See section 123 of the Evidence Act, 2011. I hold that the Claimant is entitled to judgment.

Judgment is hereby entered against the Defendants and in favour of the Claimant as per the sum of ₦1,518,200.00 (One Million Five Hundred and Eighteen Thousand, Two Hundred Naira) only admitted and cost. This is because cost follows the event in litigation.

IT IS ADJUDGED that the Defendants do pay to the Claimant the sum ₦1,518,200.00 (One Million Five Hundred and Eighteen Thousand, Two Hundred Naira) only.

IT IS ADJUDGED that the Defendants shall pay the sum of ₦200,000.00 (Two Hundred Thousand Naira) only to the Claimant as cost of litigation.

AND IT IS ORDERED that the Defendants shall pay the judgment sum to the Claimant forthwith.



C. G. Ali, Esq.
Chief Magistrate
10-01-2024

