IN THE CHIEF MAGISTRATE COURT OF RIVERS STATE, NIGERIA
IN THE RUMUODOMAYA MAGISTERIAL DISTRICT
HOLDEN AT RUMUODOMAYA

BEFORE HIS WORSHIP B.H. ABE (MRS) SITTING AT THE CHIEF MAGISTRATE COURT 1, RUMUODOMAYA ON WEDNESDAY THE 12TH DAY OF AUGUST, 2026

RMC/SCC/15/2026

BETWEEN

1. MATELBOT NIGERIA LIMITED
2. DR. MARTIN D. IKONO } **CLAIMANTS/RESPONDENTS**

AND

1. CUZOR OPTIMUM RESOURCES LTD.
2. UZOMA ERIKUME
3. SIR JUDE } **DEFENDANTS/APPLICANTS**

Matter for Ruling.

RULING

The applicant's counsel, D. I. Onumbu Esq for the 1st, 2nd defendants via a motion on notice dated 22nd June, 2026 brought pursuant to 17(3) of the SCC PD 2024, O5 rule 1 and 2, O6 rule 2(4) of the Magistrate Court rules 2007, section 36 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) and under the Inherent Jurisdiction of this Court, on the 16th July, 2026 prayed the Court for the reliefs as seen on the face of the motion paper;

1. An order setting aside/lifting the order of Foreclosure made by this Honourable Court on 16th day of June, 2026 foreclosing the 1st and 2nd defendants from cross-examining the claimant's witness and from opening/defending this suit.

2. An order granting leave to the defendant/applicant to cross-examine the claimant's witness and to open/defend the suit.

3. And any such further order(s), which this Hnourable Court deem fit to make in the circumstances of this case.

Attached is an affidavit of 18 paragraphs, deposed by Uzoma Erikume, the 2nd defendant/applicant, Exhibit A the Form of admission, defence, counter claim, Form RSSC 5 and a written address.

The claimant/respondent was duly served with the said process but failed to file a counter affidavit, affidavit of service before me dated 2nd July, 2026.

Issue for determination

Whether the Court can grant the said application?

COURT

Having perused via the above processes especially with regard to Exhibit A, the defence/counter claim Form RSSC 5, the Court in compliance with section 36 of the 1999 Constitution of the Federal Republic of Nigeria as amended which enshrines the rule of fair hearing, O6 rule 4(2) of the Magistrate Court rules, 2007, O5 rules 1,2 of the Magistrate Court rules 2007 and in the interest of justice, hereby grants the above application and accordingly orders as follows;

1. That the order of foreclosure made by this Court on the 26th May, 2026 and 16th June, 2026, foreclosing the 1st and 2nd defendants from cross-examination of the claimant and from defending this suit is hereby vacated.

2. That the Court further orders that cw1 be recalled for cross-examination by the defendants/applicants.

3. That the applicants are also granted leave to defend this suit by opening their defence.

4. That these orders are made without costs, the prayers being meritorious.

This is the ruling of the Court.

Case adjourned to 14th August, 2026 for Court of hearing.

MRS BARIYAAH .H. ABE
Chief Magistrate
12th August, 2026.

RIVERS STATE JUDICIARY
SIGN:.....
DATE: 29/9/2026
SMALL CLAIMS COURT REGISTRY, RUMUODOMAYA