

IN THE MAGISTRATE COURT OF RIVER STATE OF NIGERIA
IN THE PORT HARCOURT MAGISTERIAL DISTRICT
HOLDEN AT PORT HARCOURT

BEFORE HIS WORSHIP S. S. IBANICHUKA, ESQ
SITTING AT SENIOR MAGISTRATE COURT 6 PORT HARCOURT

SUIT NO: PMC/SCC/411/2025

BETWEEN

ACE CENTER NIGERIA LIMITED

CLAIMANT

AND

1. IDOWU ABDULRAHUUF ADEWOMI _____ **DEFENDANTS**
2. ALUBARIKA ENGINEERING & HAULAGE LOGISTIC SERVICES LTD

JUDGMENT

This suit was instituted via summons of this court as in forms RSSC 2 and 3 of the court filed on 10-07-25, wherein the Claimant claims against the Defendants is for:

- I. The sum of ₦2,000,000.00 (Two Million Naira) only being and representing money owed to the claimant by the defendants for failure to purchase and install a new brain box for the claimants car.
- II. Court fees ₦4,500.00. (Four Thousand and Five Hundred Naira)
- III. ₦500,000.00 (Five Hundred Thousand Naira) as cost of litigation.

In proof of his case the claimant's director testified as the sole witness (CW1) and tendered Exhibits "A, B" and "C" respectively. The Defendant did not cross examine CW1 neither did the defendant defend this suit. However, in the courts file there is a document purportedly filed by one Olagoke Esuola on 10/09/25 captioned "motion on notice" there is no affidavit attached to the said document neither is there a written address in line with the rules of this court. On 1/9/25 one C Y Isiah did appear for the defendant and entered a plea of non-liaible for the defendants. Since then the defendants did not appear in this suit and were never represented by counsel despite proof of service in the courts file of the originating processes in this suit and hearing notices as well on the defendants.

Before I proceed any further with this judgement, I wish to state on record for what it is worth that the purported motion on notice dated 10/09/25 and filed on 10/09/25 is hereby struck out for being incompetent.

Upon application by the claimant the defendants were foreclosed from cross examining CW1 and defending this suit. At the close of hearing the claimants counsel waived his right to address the court orally or in writing.

The summary of the facts of this case from the claimant's perspective is that the parties to this suit entered an oral agreement for the defendants to purchase and fix the brain box of the claimant's car, that pursuant to the said oral agreement between the parties in this suit the claimant paid a total of ₦2,000,000.00 (Two Million Naira) only to the defendants in installments from 20/11/24 to 22/11/224.

That the defendants could not successfully install a workable brain box in the car till date as the one the defendants managed to install only started the car and stopped working thereafter. That all efforts to get the defendants to come and install the brain box on the car proved abortive. That the claimant caused his solicitor to write to the defendants which the claimant's solicitor did in a letter dated 30/05/25 (Exhibit B) herein., that upon receipt of the letter from the claimants solicitor, the defendants caused their solicitor to respond to Exhibit B, that response is Exhibit A, dated 18/5/25. that when all attempts at getting the defendants to come and fix the brain box failed, the claimant briefed his lawyer to institute this action against the defendants and paid him the sum of ₦500,000.00 (Five Hundred Thousand Naira),. the solicitor's receipt is attached as Exhibit C, hence this suit.

The sole issue for determination as raised by this court in this judgment is

“Whether considering the facts and circumstances of this case, the Claimant is entitled to his reliefs before this court?”

The law is trite that where the claimant leads evidence in prove of his case and the Defendant adduces no evidence in rebuttal, the claimant is entitled to judgment on the merits of the case if he meets the standard of prove required by law. In a civil case such as this the standard of prove is on a preponderance of evidence. See: **Section 134 of the Evidence (Amendment) Act 2023**. The burden of this prove however rests on the claimant., See the cases of **IBANIPIO V. ONYIYANGO (2000) 6 NWLR (PT. 661) PAGE 497 at paragraph E**.

The claimant's representative as CW1 relied on Exhibits “A” “B” and “C” being defendants solicitors letter, claimants solicitors letter and claimants solicitors receipt respectively. The defendants did not contradict any of the Exhibits neither is there a defence against all the claims of the claimant before this court, the implication is that the Defendants are deemed to have admitted all the facts and claims as stated by the Claimant in this case, the law is trite that facts admitted need no further proof, see **Section 123 Evidence (Amendment) Act, 2023** and the case of **CBN V. DINNEH (2010) 17 NWLR (PT. 1221) PAGE 125, 162 at paragraphs C-D**.

I have carefully considered the evidence adduced by the claimant in this case, the documents relied on, I have also considered all the prayers as sought by the claimant and which for the sake of emphasis I must repeat are unchallenged by the Defendants and I find that the claim of the claimant has merit, same succeeds and it is hereby adjudged as follows, that the claimant is entitled to:

I. The sum of ₦2,000,000.00 (Two Million Naira) only being and representing money owed to the claimant by the defendants for failure to purchase and install new brain box for the claimant's car.

II. Court fees of ₦4,500.00. (Four Thousand and Five Hundred Thousand Naira)

III. ₦500,000.00 (Five Thousand Naira) as cost of litigation.

I make no further orders.

Dated this 22nd day of October, 2025

Signed:

S. S. IBANICHUKA, ESQ.

22/10/25.

