

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
HOLDEN AT SMALL CLAIM COURT 6 PORT HARCOURT
PMC/SCC/473/2025

BETWEEN

MRS LOPEZ OMONYA JOY

— CLAIMANT

AND

MR LOPEZ ABIODUN EMMANUEL ---

DEFENDANT

JUDGMENT

This suit was instituted via summons of this court as in forms RSSC 2 and 3 of the court filed on 12-08-25, wherein the Claimant claims against the Defendants is for:

I. The sum of ₦3,000,000.00 (Three Million Naira) only being and representing money lodged into the defendant account by the claimant to enable him boost his account and his chances to travel abroad.

II. Cost of ₦500,000.00 (Five Hundred Thousand Naira) only .

In proof of his case the claimant testified as the sole witness (CW1) and tendered Exhibits "A" to "J" respectively. The Defendant was duly represented by counsel who cross examined CW1 and concluded on 2-10-25. the record of the court shows that the defendant did not field any witness before this court.

On 4-12-25 the Defendant was foreclosed from defending this suit. The matter was adjourned to 18-12-25 for adoption of final written addresses on that date the defendant and counsel were absent and the claimants counsel waived his right to address the court.

The summery of the facts of this case from the claimants perspective is that the defendant approached the claimant for a friendly loan of ₦3,000,000.00 (Three Million Naira) to be domiciled in defendants bank account strictly for the purposes of boosting his travel chances, that the defendant promised/assured to refund the money to the claimant, that on 05-04-25 the claimant made the transfer of the said ₦3,000,000.00 (Three Million Naira) only to the defendants bank account and after making the payment the defendant pulled out of the travel arrangement which caused the claimant to immediately demand for a refund of the ₦3,000,000.00 (Three Million Naira), that the defendant has refused to refund the sum despite several demands from the claimant to the defendant, 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**

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 as CW1 testified before this court on 29-09-25 and relied on Exhibits "A" to "J", particularly Exhibit "B" which is the bank transaction receipt showing that the said sum of ₦3,000,000.00 (Three Million Naira) only was transferred by the claimant to the defendant and Exhibit "J" being invoice of the claimants solicitor receipt as cost of litigation. The defendant did not contradict any of these Exhibits in cause of cross examination neither did the defendant field any witness in defence of the claims of the claimant. The implication is that the Defendants is 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 Defendant 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 :

1. The sum of ₦3,000,000.00 (Three Million Naira) only being and representing money lodged into the defendants account by the claimant to enable him boost his account and his chances to travel abroad which he failed to use for same purpose and have failed to refund same to the claimant.
2. ₦500,000.00 (Five Hundred Thousand Naira) as cost.

I make no further orders.

Dated this 27th day of January, 2026

Signed: 
S. S. IBANICHUKA, ESQ.
Senior Magistrate Grade 1
27/01/26.

SAMUEL S. IBANICHUKA, ESQ.
(SENIOR MAGISTRATE)
SIGN:  DATE: 27/1/26

