IN THE MAGISTRATE COURT OF RIVERS STATE OF NIGERIA
IN THE PORT HARCOURT MAGISTERIAL DISTRICT
HOLDEN AT PORT HARCOURT
BEFORE HIS WORSHIP S. S. IBANICHUKA, ESQ
HOLDEN AT SMALL CLAIM'S COURT 6 PORT HARCOURT

PMC/SCC/655/2025

P. I INTERGRALS ---------- **CLAIMANT**

AND

MR KENNETH PRINCE KPOGAH --------- **DEFENDANT**

JUDGEMENT

The Claimant instituted this action against the Defendant via forms RSSC 2 and 3 of this court filed on 24/10/2025 claiming for the following:

i. The sum of **₦ 1,438,750.00 (One Million Four Hundred and Thirty-Eight Thousand, Seven Hundred and Fifty Thousand Naira)** only being and representing unpaid loan and interest collected by the defendant from the claimant.

ii. **₦300,000.00 (Three Hundred Thousand) as courts fee**

iii. **₦280,000.00 (Two Hundred and Eighty Thousand) as cost**

The claimant is represented by its business development Manager and in proof of its case the Claimant called a sole witness (CW1) and relied on Exhibit's A and B respectively. The Defendant did not file Form RSSC 5 in defence of the claim of the claimant. The defendant was foreclosed from cross examining the CW1 and subsequently foreclosed from defending this suit or to field any witness.

The facts of this case are that, the Claimant is a registered and licensed operator of loans in Rivers State and the defendant is a customer of the claimant. That sometime in June 2024 the defendant applied for and was given a loan of ₦250,000.00 (Two Hundred and Fifty Thousand) from the claimant to be paid in three trenches in July, August and September of 2024. that the defendant issued three FCMB cheques to the claimant for repayment of the said loan, that the defendant made staggered payment for the first cheque and refused to make any payment on the second cheque and as at the date of filing this suit the claimant is claiming as per the claims of the claimant before this court. That despite several demands by the Claimant the defendant has refused to repay the said loan sum and interest, hence this suit.

The sole issue for determination in this case is "***Whether the Claimant has placed enough materials before the court for the court to grant the claimants 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, in such circumstances the Defendant is deemed to have admitted the claims of the Claimant and in deserving cases the claimant will be entitled to his claim. See:

Section 123 of the Evidence (Amendment) Act 2023 and the case of **CBN V. DINNEH (2010) 17 NWLR (PT. 1221) PAGE 125, 162 at paragraphs C-D**.

The claimant relied on Exhibit's A and B being the written loan application and the claimants first banks transaction receipt in proof of the fact that the Defendant applied for and got the said loan from the claimant.

I have carefully considered the evidence adduced by the claimant in support of its claims before this court without any defence entered in this case by the defendant, I have no challenge in holding that the Claimant has proved its claim before this court on the standard required by law being on a preponderance of evidence only to the extent which the claimant has been able to prove same and not merely as per the claims of the claimant in form RSSC 3 of this court.
While the principal claim of the claimant has been proved. claims 2 and 3 being claims for court fees and cost of this litigation, were not proved before this court as the claimant did not place anything before this court in proof of same and are accordingly refused.

In the circumstance, it is adjudged as follows: -

I. That the claimant is entitled against the defendant in the sum of ₦1,438,750.00 (One Million Four Hundred and Thirty-Eight Thousand, Seven Hundred and Fifty Naira). only being and representing balance of the principal sum and interest of the loan owed to the Claimant by the Defendant.

II. Cost is fixed at **₦50,000.00 (Fifty Thousand Naira)** only in favour the claimant.

Dated this 23rd day of February, 2026

SAMUEL S. IBANICHUKA, ESQ.
(SENIOR MAGISTRATE)
SIGN: ..... DATE: 23/2/26

SIGNED:
S. S. IBANICHUKA, ESQ.
SENIOR MAGISTRATE GRADE 1
23/02/2026.

THE JUDICIARY
WG.BUSIKE G.ARIGE ESQ
SIGN:
DATE: 06/2/202