

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/16/2026

BETWEEN

ODIRINYECHI BROWN

CLAIMANT

AND

1. CHIDIADI UKAMBA

DEFENDANTS

2. CHIDAD ENTERPRISES NIGERIA

JUDGMENT

This suit was instituted by the claimant via summons of this court as in forms RSSC 3 of the court filed on 15-01-26, wherein the Claimant claims against the Defendants is for:

I. The sum of ₦2,600,000.00 (Two Million Six Hundred Thousand Naira) only being and representing unpaid loan sum the defendant owes the claimant

In proof of his case the claimant testified as the sole witness (CW1) and tendered Exhibits "A" being a postdated stanbic IBTC bank cheque. The Defendants though were represented by counsel did not defend this suit.

Upon application by the claimant the defendants were foreclosed from cross examining CW1 and defending this suit. At the close of hearing the claimant filed a written address and adopted same on 18-03-26.

The summary of the facts of this case from the claimants perspective is that sometime in July, 2024, the defendants through the 1st defendant approached the claimant for a friendly loan of ₦2,600,000.00 (Two Million Six Hundred Thousand Naira) and promised to repay same in one month time and the 1st defendant issued the claimant a postdated cheque in the said sum of ₦2,600,000.00 (Two Million Six Hundred Thousand Naira). that at the expiration of the one month the claimant went to the bank to cash the cheque and was told that there was no money in the account.

That despite several demands for the said sum of ₦2,600,000.00 (Two Million Six Hundred Thousand Naira) from the defendants by the claimant, the defendants have refused to pay the claimant, 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 as CWI relied on Exhibits "A". The defendants did not contradict the Exhibit neither is there a defence against 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 the prayer 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 and same is granted as prayed .I also take into consideration the acknowledgement of the claimants counsel of receipt of the sum of ₦600,000.00 (Six Hundred Thousand Naira) in cause of this proceedings as part payment from the defendants.

it is hereby adjudged as that the claimant is entitled to:

- I. The sum of ₦2,000,000.00 (Two Million Naira) only being and representing money jointly owed to the claimant by the defendants.
- II. Cost is fixed at ₦20,000.00 (Twenty Thousand Naira)

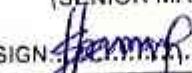
Dated this 31st day of March, 2026

Signed:

S. S. IBANICHUKA, ESQ.

Senior Magistrate Grade 1.

31/03/26.

SAMUEL S. IBANICHUKA, ESQ.
(SENIOR MAGISTRATE)
SIGN:  DATE: 31/3/26

