

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'S COURT 6 PORT HARCOURT

PMC/SCC/339/2024

MR PROMISE N OGBUJI

CLAIMANT

AND

GENNESARET RESOURCES NIG LTD

DEFENDANT

JUDGEMENT

The Claimant instituted this action against the Defendants via form RSSC 3 of this court filed and dated the 04-12-24 claiming for the following:

- i. The sum of **₦510,000 (Five Hundred and Ten Thousand Naira)** only being and representing the sum the claimant paid to the defendant for training and ceretification but the defendant failed to train the claimant.
- ii. The sum of **₦200,000 (Two Hundred Thousand Naira)** only as fees
- iii. **₦200,000 (Two Hundred Thousand Naira)** as cost of this proceedings

In proof of his case, the Claimant called a sole witness (CW 1) and relied on five Exhibits , "Exhibit's A to E". The claimants witness adopted her witness statement on oath filed on 13-01-25 on 13-1-25 and was cross examined by the Defendant counsel who asked only a single question, the Defendant never appeared in this case but at a point in this proceeding was represented by counsel, the parties took dates for report of settlement/Defence on the return date the claimants counsel reiterated his stance that the settlement has broken down, the defendants counsel who was in court and took dates with the claimants counsel was not in court on the next adjourned date.to enter his defence. Claimant's counsel applied and the Defendant was foreclosed from Defending this suit, after which the Claimants Counsel waived his right to address the court either orally or in writing.

The facts of this case as presented by CW1 are that, the Claimant paid the Defendant the sum of **₦510,000 (Five Hundred and Ten Thousand Naira)** as fees for certification/training of the claimant on NEBOSH, that the defendant failed to train and certify the claimant for the course and also refused to refund the claimant money to the claimant despite several demands by the claimant to the defendant hence this suit.

The sole issue for determination in this case is "*Whether given 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 Defendant is deemed to have admitted the claims of the Claimant and in deserving cases the Claimant shall be entitled to his claim(s). 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 Exhibits A being print out of the transaction receipt as prove of payment of the sum **₦510,000 (Five Hundred and Ten Thousand Naira)** from the claimant to the defendant, Exhibits B, C and D are all demand letters and Exhibit E is the claimants solicitors receipt in favour of the claimant for this brief .

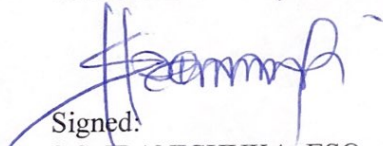
I have carefully considered the evidence adduced by the Claimant in support of his case and I have no difficulties in holding that the Claimant has proved his claim's before this court on a balance of probabilities being the standard prescribed by law. See Section 134 of the Evidence Act, 2023. in the circumstance the claimants claim has merit and same succeeds.

it is hereby adjudged that the claimant is entitled to the defendant as follows:-

1. The sum of **₦510,000 (Five Hundred and Ten Thousand Naira)** only being and representing the sum the defendant owes the claimant.
2. The sum of **₦200,000 (Two Hundred Thousand Naira)** only as fees
3. **₦200,000 (Two Hundred Thousand Naira)** as cost of this proceedings

I make no further orders.

Dated This 30th Day of January 2025


Signed:
S.S. IBANICHUKA, ESQ.
30/01/2025.

