

IN THE MAGISTRATES' COURT OF RIVERS STATE
IN THE PORT HARCOURT MAGISTERIAL DISTRICT
HOLDEN AT PORTHARCOURT BEFORE HIS WORSHIP. G.C.AMADI ESQ.
SITTING AT SMALL CLAIMS COURT AT CHIEF MAGISTRATE COURT 15, ON THE 27TH OF
MAY 2023

SUIT NO. PMC /SCC/43/2023

MR STEPHEN DADIE

} CLAIMANT

AND

NOBLE PARK GLOBAL SERVICES NIG LIMITED

} DEFENDANT

JUDGMENT

This is the final judgment in this suit wherein the claim before the court, dated and filed on the 26th April, 2023 is for:

1. An order of this Court compelling the defendant to pay the Claimant, the sum of N350,000 as money for purchase of land paid to the defendant
2. An order of this Court compelling the defendant to pay the defendant the sum of N200,000 as cost of litigation

In proof of his case, the Claimant called one witness and the defendant never appeared in this matter.

On the 23rd May, 2023 an application to enter plea of not liable for the defendant by the Claimant counsel was granted and the matter was set down for hearing.

On the 8th day of June, 2023, the Claimant was present and the defendant was absent. On this date, the CW1, who is also the Claimant on record commenced his evidence in Chief and stated that he is a fashion designer. That he knows the defendant from Wazobia FM and that the defendant made an advertisement for sale of land on Wazobia FM and he took their contacts and went to their office here in Port Harcourt and he made payment for the sum of N350,000 to the defendant for the purchase of land. That the defendant promised him that in 2 weeks, his document will be ready but that since that last year February till date, that no positive response from the defendant.

That his lawyer wrote to the defendant. The letter of demand is admitted in evidence and is marked as Exhibit A and the demand Notice from Court is also sought to be tendered and is admitted as Exhibit B.



Concluding the CW1 stated that he wants the Court to grant her prayers as on her claim before the court.

At the end of the evidence of CW1, the defendant is foreclosed from cross examining the CW1 and from defence and the matter was adjourned for judgment

A total of two (2) exhibits were tendered in evidence in the course of the trial.

That said, I will proceed to consider the case of the parties in the light of the relevant laws. I have noted the essence of the claim have also taken cognizance of the evidence before the court. I have read all the exhibits and I have couched a lone issue for determination and that is whether the Claimant has discharged the burden of proving his claim before the Court.

Suffice is to say that before the court adjourned the matter for hearing and heard the matter, the court always satisfied itself that:

1. The processes have been duly served on the defendant
2. That the time before the date of service and the date of hearing was sufficient for the defendant to have appeared had he intended to do so.

It is also important to note at this point that none of the facts stated by the claimant's witnesses were controverted in evidence or denied by the defendant and so will be deemed by this court as admitted. The law is that facts admitted need not be proved by evidence. Please refer to the case of Ayoke V. Bello (1992)10 NWLR (Pt 218) pg 380 Ratio 2; O.A.A Cooperative Society Vs. NACP Ltd (1999) 2NWLR (Pt 590) Pg 234, Ratio 4 to the effect that what is not denied is deemed admitted and what is admitted need not be proved.

On the undisputed and clear evidence before the court, the court will hold that the Claimant has discharged the burden of proving that he is entitled to his claim before the Court.

IT IS THUS ADJUDGED that the defendant to pay the Claimant, the sum of N350,000 as money for purchase of land paid to the defendant.

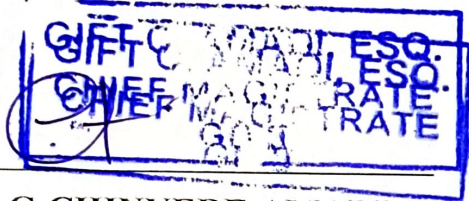
AND, IT IS FURTHER ADJUDGED that the defendant to pay the Claimant, the sum of N200,000 (Two Hundred Thousand Naira) as cost of litigation.

AND IT IS ORDERED that the defendant to pay the Claimant, the aforesaid sum of N550,000 (Five Hundred and Fifty Thousand Naira) above mentioned representing the purchase sum of N350,000(Three Hundred and Fifty Thousand Naira) and N200,000 (Two Hundred Thousand Naira) as cost of litigation with immediate effect



AND IT IS FURTHER ORDERED that the defendant do pay to the Registrar of this court the total sum of N550,000 (Five Hundred And Fifty Thousand Naira) above mentioned.

TAKE NOTICE –That if payment is not made as above ordered, a warrant or warrants may issue requiring an officer of the court to levy the sum above mentioned, to the Claimant together with further costs.



**G.CHINYERE AMADI. ESQ.
CHIEF MAGISTRATE G.D.II**

