

IN THE MAGISTRATES' COURT OF RIVERS STATE OF NIGERIA  
IN THE PORT HARCOURT MAGISTERIAL DISTRICT  
HOLDEN AT SMALL CLAIMS COURT 1, PORT HARCOURT  
BEFORE HIS WORSHIP COLLINS G. ALI, ESQ.,<sup>1</sup> TODAY FRIDAY, THE 24<sup>TH</sup>  
DAY OF MAY, 2024.

SUIT NO. :PMC/SCC/92/2024.

BETWEEN:

MERIDIAN HOSPITALS LTD

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CLAIMANT

AND

1. MR. PRINCE AMACHREE

2. MRS. GOLD NKIRU AMACHREE

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DEFENDANTS

Case called.

Claimant represented by Ms. Obonga Wofai, Admin./Human Resources Manager  
Defendants absent.

JUDGMENT

The Claimant in this case is a hospital while the Defendants are husband and wife who were managed by the Claimant on IVF pregnancy and babies delivery in 2020. The Defendants incurred hospital bills while in the hospital which they have refused to pay thereby leading to the commencement of this action for the recovery of the outstanding medical bills on the 5<sup>th</sup> day of May, 2024; after serving the Defendants with mandatory demand letters on the 22<sup>nd</sup> July, 2022 and 21<sup>st</sup> December, 2023 respectively. The Claimant therefore claims against the Defendants as per the claim attached to the summons and complaint as follows:

1. Debt / Amount claimed -	₦2,002,778.50
2. Fees	- ₦350,000.00
3. Costs and Damages	- ₦800,000.00
<b>TOTAL</b>	<b>= ₦3,152,778.50k</b>

Upon the filing of the claim by the Claimant, an ordinary summons was issued for service alongside the claim on the Defendants. The summons and claim were served on the Defendants by substituted means on the 30<sup>th</sup> day of April, 2024. The Defendants despite been served failed to appear in Court on the 8<sup>th</sup> day of May,

<sup>1</sup> LL B, LL M, BL, A. IDRI, Chief Magistrate Grade I, and the Presiding Magistrate, Small Claims Court 1, Port Harcourt, sitting at Chief Magistrate Court 7, Port Harcourt, Rivers State.

2024 when plea of not liable was entered on their behalf and the case adjourned to the 15<sup>th</sup> day of May, 2024 for hearing.

During the hearing of the case on the 15<sup>th</sup> day of May, 2024, the Claimant testified through one Amadi-Oparaeli Budukaeku N. D, a physician and staff of the Claimant hospital. The CW1 tendered five (5) documents which were received in evidence as exhibits and marked Exhibits A,<sup>2</sup> B,<sup>3</sup> C,<sup>4</sup> D<sup>5</sup> and D1<sup>6</sup> respectively. The Defendants did not cross examine the CW1 nor defend the suit as they never appeared in Court in response to the summons served on them. At the close of trial on the 15<sup>th</sup> day of May, 2024, the case was adjourned for judgment after the learned Claimant counsel waived his right of final address.

After a careful examination of the claims and evidence given by the Claimant's sole witness, the lone issue for determination of this case is thus:

***Whether the Claimant is entitled to the reliefs sought?***

The main claim of the Claimant is for the recovery of unpaid and outstanding medical bill of ₦2,002,778.50 from the Defendants. The CW1 a physician and staff of the Claimant hospital testified that the Defendants were their patients whom they managed for IVF pregnancy from antenatal up to delivery. The CW1 testified that the babies were delivered premature and admitted into the Special Baby Care Unit (SBCU), where they were managed for a couple of weeks and subsequently discharged. The CW1 testified that at the point of discharge, the Defendants had an accumulated bill of about ₦4.7 million; but after plea to the Chief Medical Director (CMD) the Defendants were granted a discount of ₦1.7 million. The CW1 testified that after the discount was granted, the Defendants paid ₦1 million and wrote an undertaking to pay off the balance subsequently which they have refused to pay till date. The CW1 testified that demand letters were written to the Defendants for the balance but they have refused pay till date. The CW1 asked the Court to order

<sup>2</sup> Medical Bill dated 19/05/2020.

<sup>3</sup> Undertaking by the 1<sup>st</sup> Defendant to pay the bills dated 19/05/2020.

<sup>4</sup> Outstanding medical bill as at 21/05/2020.

<sup>5</sup> Demand letter dated 21/12/2023.

<sup>6</sup> Demand letter dated 22/07/2022.

the Defendants to pay the outstanding bill, cost of ₦350,000.00 and damages of ₦800,000.00 only.

The evidence of the Claimant witness is unchallenged and uncontroverted by the Defendants. The law is now settled that facts which parties are deemed to have admitted in any civil proceedings need no further prove. See section 123 of the Evidence Act, 2011 (as amended). See also the case of *Owners of M/V Gongola Hope & Anor. v Smurfit Cases (Nig) Ltd & Anor. [2007] LPELR-2849 (SC)* where the Supreme Court held *inter alia* that unchallenged evidence is deemed admitted and the Courts are enjoined to accept and act on such unchallenged evidence.

The Claimant asked for cost and damages against the Defendants. Award of cost in civil cases is at the discretion of the Court. A successful party is generally entitled to compensation by way of cost, however the amount of cost is at the discretion of the Court regardless of whether it was pleaded and/or proved. See the cases of *Mekwunye v Emirates Airline [2019] LPELR-46553 (SC)* and *NNPC v Clifco Nig. Ltd. [2011] LPELR-2022 (SC)*. I hold that the Claimant has proved its case and is entitled to the reliefs sought. Judgment is hereby entered for the Claimant and against the Defendants as follows:

1. The Defendants are hereby ordered to pay the Claimant the sum of ₦2,002,778.50k (Two Million, Two Thousand, Seven Hundred and Seventy-Eight Naira, Fifty Kobo) only representing outstanding and unpaid medical bill forthwith.
2. The Defendants are hereby ordered to pay the Claimant the sum of ₦200,000.00 (Two Hundred Thousand Naira) only as costs forthwith.
3. The Defendants are hereby ordered to pay the Claimant the sum of ₦300,000.00 (Three Hundred Thousand Naira) only as damages forthwith.



C. G. Ali, Esq.  
(Chief Magistrate)  
24/05/2024

■ Parties not represented.

