

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/111/2024

LOGOS ELITE SCHOOL

VS.

1. MR EKINE TEKENA

2. MRS MARY TEKENA

JUDGEMENT

The Claimant instituted this action against the Defendants via form RSSC 3 of this court filed and dated the 25-04-24 claiming for the following:

- i. The sum of **₦369,000.00 (Three Hundred and Sixty Nine Thousand Naira)** only being and representing School fees owed to the Claimant by the Defendants.
- ii. **₦131,000 (One Hundred and Thirty One Thousand Naira)** being fees.

In proof of its case, the Claimant called a sole witness (CW 1) one Mrs Chidi Chukwuemeka a head Teacher of the Claimant and relied on three Exhibits, "Exhibit's A, B and B1". the Defendant never appeared in this case and was never represented by counsel despite being served the originating processes in this suit and a hearing notice. The Claimant's counsel applied and the Defendant was foreclosed from Defending this suit, after which the Claimants Counsel waived her right to address the court either orally or in writing.

The facts of this case as presented by CW1 are that, three Children of the Defendants attend the Claimants school and that all the three children are owing the Claimant School fees in the sum of **₦369,000.00 (Three Hundred and Sixty Nine Thousand Naira)** only and that the Defendant has refused to pay the Claimant the said money despite several demands by the claimant.

The sole issue for determination in this case is "*Whether the Claimant has placed enough materials before this 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 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 and B and B1 in proof of the fact that the Defendants admit and have since November 2023 signed an undertaking to pay the said sum and the demand notices were served on the Defendants.

I have carefully considered the evidence adduced by the Claimant in support of its case and I have no difficulties in holding that the Claimant has proved its claim's before this court on a balance of probabilities , Accordingly it is adjudged as follows:-

1, That the Claimant is entitled to the sum of **₦369,000.00 (Three Hundred and Sixty Nine Thousand Naira)** only being and representing school fees owed to the Claimant by the Defendants.

2. **₦131,000 (One Hundred and Thirty One Thousand Naira)** being fees.

I make no further orders.


Signed:
S. S. IBANICHUKA ,
ESQ.
13/05/2024.

