

**IN THE MAGISTRATE COURT OF RIVERS STATE OF NIGERIA**  
**IN THE PORT HARCOURT MAGISTERIAL DISTRICT**  
**HOLDEN AT PORT HARCOURT**

**RESUMED ON MONDAY THE 25<sup>TH</sup> DAY OF SEPTEMBER, 2023**  
**BEFORE HIS WORSHIP A. O. AMADI-NNA, ESQ.**  
**SITTING AT CHIEF MAGISTRATE COURT 10, PORT HARCOURT**

**PMC/SCC/85/2023**

**BETWEEN:**

**MR. MICHAEL EJIOITO**

**V**

**MR. GODSAVEUS ONUMAJURU**

Claimant present.

Defendant absent.

E. Obodo appear for the Claimant.

**JUDGEMENT**

The claimant claims against the Defendant for;

1. Arrears of rent for 7 months at N210,000.00.
2. The sum of N250,000.00 for legal fees.
3. The sum of N340,000.00 as cost of damages to property.

Total claim N800,000.00.

A plea of not liable was entered for the Defendant.

In proof of his case the claimant called one witness who gave evidence as CW1 and tendered one exhibit. Exhibit "A" while the Defendant did not defend this suit.

CW1 Henry Victor said the Claimant donated a Power of Attorney to him to appear on his behalf and he tendered the Power of Attorney as Exhibit "A".

He further said that the Defendant is a tenant to the Claimant. That in the second week of January this year the Defendant asked him to go and collect his shop at No. 25 Kolokuma Street, Borokiri that he is no longer interested in occupying it. That the Defendant owes the sum of N240,000.00 as arrears of rent for 8 months. He also said the

Defendant converted a 3 room shop to one shop thus damaging and destroying the walls.

Further that the cost of the damage is N340,000.00. That the defendant locked up the shop and moved out after he asked him to fix it. He prayed the cost to compel the defendant to pay him the cost of litigation.

The defendant was not in court to cross examine CW1 when the matter came up for cross examination on the 30<sup>th</sup> day of August, 2023 and was foreclosed from cross examining CW2.

This is the case for the Claimant.

The matter came up for defence on the 19<sup>th</sup> day of September 2023, the Claimant was not in court to defend this suit and was foreclosed from defending this suit. Claimant's counsel then informed the court that they were waiving their right to address the court and urged the court to enter Judgement based on the uncontroverted evidence of the Claimant's witness CW1.

I have reviewed the evidence of CW1. I have also taken into consideration Exhibit "A" tendered by CW1.

CW1 has given evidence that he was donated a Power of Attorney by the Claimant to manage the Property at No. 25 Kolokuma Street, Borokiri, Port Harcourt and tendered the Power of Attorney as Exhibit "A". He has also given evidence that the Defendant was the Claimants tenant at the said property where he converted a 3 bedroom shop into a one room shop.

He has further given evidence that the defendant in converting this 3 room shop to a one room shop damaged and destroyed the walls costing N340,000.00. He also give evidence that the Defendant owes arrears of rent for 8 months being the sum of N240,000.00.

CW1 also gave evidence that the Defendant locked and abandoned the shop.

The defendant did not defend this suit and never appeared before this Court. An undefended case requires a minimum of proof.



Uncontroverted evidence is deemed admitted and when evidence is deemed admitted such evidence in proof of the issue in contest.

See the case of FOLURUNSHO V. SHALOUB (1994) 3 NWLR (Part 333) Page 413 at 433 paras B – H.


Further evidence that is not challenged nor rebutted remains good and credible evidence which the court is enjoined to rely upon and ascribe probative value – see the case of EBEINWE V. STATE (2011) 7 NWLR (part 1246) Page 402 at 416.

Accordingly from the foregoing I hereby hold that the Claimant has proved his case on the preponderance of evidence to be entitled to his claim.

Judgment is hereby entered in favour of the Claimant against the Defendant in the following terms.

**COURT:**

1. The Defendant is to pay to the Claimant the sum of N210,000.00 (Two Hundred and Ten Thousand Naira) as arrears of rent.
2. The Defendant is to pay to the Claimant the sum of N200,000.00 (Two Hundred Thousand Naira) as cost.

Signed: 

**A. O. AMADI-NNA, ESQ.**  
(Chief Magistrate Gd. 1)  
25/9/2023