

**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 COURT 6 PORT HARCOURT**

**PMC/SCC/287/2025**

**LENE KINGSLEY. ESQ**

**CLAIMANT**

**AND**

**CHRISTIAN EDE PRINCE**

**DEFENDANT**

**JUDGEMENT**

The Claimant instituted this action against the Defendant via forms RSSC 2 and RSSC 3 of this court filed on the 30-10-24 claiming for the following:

- i. The sum of **₦602,000.00 (Six Hundred and Two Thousand Naira)** being the sum owed the Claimant by the Defendant.
- ii. **₦328,000.00 (Three Hundred and Twenty - Eight Thousand Naira)** only as fees.
- iii. **₦ 200,000.00 (Two Hundred Thousand Naira)** as cost

In proof of his case the Claimant testified as the sole witness CW1 and tendered **Exhibits A to F1**. The Defendant did not defend this suit and was never represented by counsel despite proof of service on the defendant of the originating processes in this suit in the courts file and a hearing notice as well. The Claimant's counsel waived his right to address the court.

The summery of the facts of this case are that sometime in October, 2024 the claimant approached the Defendant with respect to renting a One (1) Bedroom Apartment from the Defendant at the rate of **₦500,000.00 (Five Hundred Thousand Naira)** only per annum, that the claimant paid for the apartment and also paid the sum of **₦ 12,000.00.00 (Twelve Thousand Naira )** and **₦10,000.00 (Ten Thousand Naira)** respectively as money for drink and security respectively. That the claimant also paid the sum of **₦ 80,000.00 (Eighty Thousand Naira)** to the house agent that introduced him to the Defendant. The claimant relied on Exhibit A, being his Access bank statement of account in prove of the payments made. Further facts are that the claimant went on to purchase five (5) buckets of paint at the rate of **₦ 20,000.00 (Twenty Thousand Naira)** each, the claimant made other expenses and relied on Exhibits B,C,D,E and E1 being receipts of the expenses incurred by the claimant, there is also a demand notice admitted in evidence as Exhibit F.

The sole issue for determination as raised by this court in this judgment is “*Whether considering the facts and circumstances of this case, the Claimant is entitled to the reliefs sought?*”

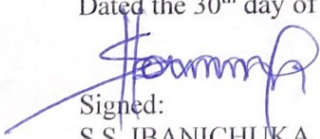
The law is trite that where the claimant leads evidence in prove of his case and the Defendant adduces no evidence in rebuttal, the claimant is entitled to judgment on the merits of the case if he meets the standard of prove required by law. In a civil case such as this the standard of prove is on a preponderance of evidence. See: **Section 134 of the Evidence (Amendment) Act 2023.**

I have carefully considered the evidence adduced by the claimant in this case and all the prayers as sought by the claimant which are unchallenged by the Defendant. I have no difficulty in arriving at the conclusion that the claimant has proved his case on the standard required by law and that this is indeed a deserving circumstance for the court to order as prayed by the claimant. Accordingly, it is adjudged that the claimant is entitled as follows:

- i. The sum of **₦602,000.00 (Six Hundred and Two Thousand Naira)** being the sum owed the Claimant by the Defendant.
- ii. **₦328,000.00 (Three Hundred and Twenty - Eight Thousand Naira)** only as fees.
- iii. **₦ 200,000.00 (Two Hundred Thousand Naira)**

I make no further orders.

Dated the 30<sup>th</sup> day of January 2025

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

