

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE PORT HARCOURT MAGISTERIAL DISTRICT
HOLDEN AT PORT HARCOURT

SUIT NO: PMC/SCC/327/2024

BETWEEN

BLUESKYE OPTIMUM SERVICES LIMITED

CLAIMANT

AND

**JULIET ONYINYECHI EZE
ONYEDIKA EMMANUEL NNOLI
NJIDEKA NDIDI OKAFOR**

DEFENDANTS

PARTIES: Claimant present. Defendant absent

APPEARANCES: K. C Eze for the Claimant. No Legal representation for the Defendant

JUDGMENT

This is a Default Summons proceedings brought under Article 3 of the Rivers State Small Claims Court, (PRACTICE DIRECTION) 2024. In compliance with the law as stated above, the Defendants were served with the Default Summons and other court supporting processes via the defendant's WhatsApp Nos. 08035423127; 08033376847; 08034962756 on the 31st day of January, 2025 as evidenced by the Affidavit of service before the court. I rely on the Affidavit of service deposed to by Mr. Chinua Chamberlain, a bailiff of this Honourable court, dated and served on the 31/01/2025, which serves as prima facie proof of evidence of service.

The claim of the Claimant as stated in his Particulars of Claim before the court is for an Order of Court urging the Court as follows;

Entering judgment in favour of the Claimant and against the 1st Defendant in the total sum N820,500.00 (Eight Hundred and Twenty Thousand Five Hundred Naira) only, that is N550,000.00 (Five Hundred and Fifty Thousand Naira), being the claim for the actual debt the 1st Defendant owes the Claimant, N170,000.00 (One Hundred and Seventy Thousand Naira) being the claim for court fees and N100,000.00 (One Hundred Thousand Naira) being claim for cost;

Entering judgment in favour of the Claimant and against the 2nd Defendant in the sum of N640,000.00 (Six Hundred and Forty Thousand Naira) only, that is N400,000.00 (Four Hundred Thousand Naira) being the claim for the actual debt the 2nd Defendant owes the Claimant, N140,000.00 (One Hundred and Forty Thousand Naira) being the claim for court fees and N100,000.00 (One Hundred Thousand Naira) being claim for cost;

Entering judgment in favour of the Claimant and against the 3rd Defendant in the sum of N615,000.00 (Six Hundred and Fifteen Thousand Naira) only, that is N375,000.00 (Three Hundred and seventy Five Thousand Naira) being the claim for the actual debt the Defendant owes the Claimant, N140,000.00 (One Hundred and Forty Thousand Naira)

being the claim for court fees and N100,000.00 (One Hundred Thousand Naira) being claim for cost.

The brief Affidavit evidence of Ohagwa Stella Egundu, a staff of the Claimant in support of the Default Summons Application is that the Defendants on record all took out their respective loans from the Claimant in the sums as outlined above and as evidenced by their pre-marked Exhibits marked Juliet 1 in the case of the 1st Defendant; Exhibit marked Onyedika 4 in the case of the 2nd Defendant and Exhibit marked Njideka 7, in the case of the 3rd Defendant. That when the Defendants defaulted in the repayment of the Loan Agreement which they willingly signed, he caused his lawyer to write to the Defendants and equally issued a Court Demand letter to be served on the Defendants as evidenced by their pre-marked Exhibits marked Juliet 2&3, Exhibits Onyedika 5&6 and Exhibits Njideka 8&9.

In a Default Summons proceedings of this nature, the Defendant is required, pursuant to Article 7 of the Rivers State Small Claims Rules, to file a Counter-Affidavit stating why judgment should not be entered against him as in Form RSSC5A, which shall be filed with Form RSSC5. Where the Defendant fails to file same, he will be held to have admitted the claim of the Claimant. From the evidence available before the court and as stated above, the Default Summons proceedings was served on the Defendants on the 31st day of January, 2025, which is more than 5 days now as allowed by the Rules of this court and there is still no Counter-Affidavit before the court, disputing the claim of the Claimant, which by implication, means that the defendants do not have any legal defence on the merit and do not intend to defend this suit.

I have carefully gone through the 10 paragraphs Affidavit to ground Default Summons by the Claimant and it is clear that the claimant has been able to establish the fact of the Defendant's indebtedness by virtue of paragraphs 3 to 9 of his Affidavit to ground Default Summons. The Claimant has also made demands for the payment of the liquidated sum as shown in paragraphs 3 (d), 4 (d) and 5 (d), of his Affidavit in compliance with the law as stated in the case of **Wema Bank V. Owosho (2018) LPELR-43857 (CA)**, but same has not been complied with. The court is therefore satisfied that this is a liquidated money demand. This belief is further fortified by the Claimant's pre-marked Exhibits stated above and the other annexed documents before the court. In view of these and the fact that the Claimant, having filed and uploaded the necessary Forms at the Rivers State Small Claims Registry, I have no hesitation but to grant this application as same has merit and I so hold.

In specific terms, it is hereby ordered as follows:

That the 1st Defendant shall pay to the Claimant the sum of N550,000.00 (Five Hundred and Fifty Thousand Naira), being the claim for the actual debt the 1st Defendant owes the Claimant, together with cost of N100,000.00 (One Hundred Thousand Naira) only.

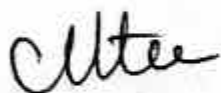
That the 2nd Defendant shall pay to the Claimant the sum of N400,000.00 (Four Hundred Thousand Naira) being the claim for the actual debt the 2nd Defendant owes the Claimant, together with cost of N100,000.00 (One Hundred Thousand Naira) only.

That the 3rd Defendant shall pay to the Claimant the sum of N375,000.00 (Three Hundred and seventy Five Thousand Naira) being the claim for the actual debt the Defendant owes the Claimant, together with cost of N100,000.00 (One Hundred Thousand Naira).

That the claim for cost for legal fees fail as same does not form part of the Claimant's claim before the court.

This is the judgment of this court.

Dated this 17th day of March, 2025.



LEZIGA C MITEE (MRS)
CHIEF MAGISTRATE II, MAGISTRATE COURT 10.

