

IN THE MAGISTRATE COURT OF RIVERS STATE OF NIGERIA
IN THE PORT HARCOURT MAGISTERIAL DISTRICT
HOLDEN AT SMALL CLAIMS COURT 2 PORT
HARCOURT BEFORE HIS WORSHIP BLESSINGS VIC-
JUMBO, ESQ THIS THURSDAY, THE 15TH DAY OF
JUNE, 2023.

SUIT NO: PMC/SCC/20/2023

BETWEEN

UMEH ARINZE SUNDAY ---- --- --- ---- CLAIMANT

AND

OKAFOR COLLINS OKEREKE --- --- --- --- DEFENDANT

Parties are both present

Parties are each self-representing.

BENCH JUDGEMENT.

The claimant by the joint effects of Forms RSSC 2 & 3 of the **Rivers State Small Claims Court Practice Direction 2023** has sought for the payment of N550, 000.00 for money paid to the defendant for the purchase of coloured-printer and the sales of two black and white photocopiers; including costs. The defendant while in the witness box having no defence to the claim, has offered to pay N400,000.00 as full and final settlement of the claims against him. In demonstration of that desire, has also paid N100,000 to the claimant leaving a balance of N300,000.00 which he has offered to pay in six installments of N50,000.00 monthly. This offer is not agreeable to the claimant.

It is noteworthy that pursuant to Article 9 (1) of the Practice Direction, parties were granted leave to settle out of court on the 13/04/2023. Since after then, the defendant has refused to come to court until today after Hearing Notice was served on him to open his defence. The law is express at Article 9 (3) of the Practice Direction that where parties are unable to settle, the court will proceed to hearing and that was done.

In the overall, after weighing the evidence of the claimant and defendant offering no defence but offering to pay N400,000.00 as final settlement, I hold that the defendant has no defence to the claims.

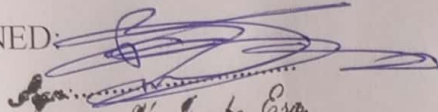
However, since claimant is in agreement to settle for N400,000.00 as final payment, judgement is entered for the claimant for N400,000.00 as full and final payment in settlement of the claims of the claimant.

The defendant having already paid N100,000.00 which the claimant has acknowledged, the defendant shall pay the balance of N300,000.00 to the claimant by installments but not exceeding the 31st day of August 2023.

That is my judgement and I make no further orders except that 20% post-judgment interest lies in favour of the claimant.

Dated this 15th day of June 2023.

SIGNED:



Blessings Vic-Jumbo, Esq.
(Chief Magistrate)

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(Chief Magistrate)

