

IN THE MAGISTRATES' COURT OF RIVERS STATE
IN THE PORT HARCOURT MAGISTERIAL DISTRICT
HOLDEN AT PORTHARCOURT BEFORE HIS WORSHIP. G.C.AMADI ESQ.
SITTING AT SMALL CLAIMS COURT AT CHIEF MAGISTRATE COURT 14, ON THE 3rd OF
AUGUST 2023

SUIT NO. PMC /SCC/92/2023

GODWIN HALLIDAY

} CLAIMANT

AND

PEDRO OPUENE

} DEFENDANT

JUDGMENT

This is the final judgment in this suit wherein the claim before the court, dated and filed on the 19th of September, 2023 is for:

An order of this Court compelling the defendant to pay the Claimant, the sum of N400,000 representing money paid as rent.

In proof of their case, the Claimant called one witness and the defendant never appeared in this matter.

On the 24th July, 2023, an application to enter plea of not liable for the Claimant was granted and the matter was set down for hearing.

On the 27th of September, 2023, the Claimant testified as CW1 and stated that he is the property manager and the defendant collected rent from one of his tenant called Samuel Jonah and the amount is 450,000 and he kept back N50,000 for his service. That he wants the defendant to pay back his N400,000

In conclusion, the CW1 stated that she wants the Court to grant their claim as on the face of the claim before the Court.

At the end of the evidence of CW1, in the light of the filed hearing notice and affidavit of service before the Court, the defendant is foreclosed from cross examining the CW1 and from defence and the matter was adjourned for judgment.

That said, I will proceed to consider the case of the parties in the light of the relevant laws. I have noted the essence of the claim have also taken cognizance of the evidence before the court. I have couched a lone issue for determination and that is whether the Claimant has discharged the burden of proving his claim before the Court.



Suffice is to say that before the court adjourned the matter for hearing and heard the matter, the court always satisfied itself that:

1. The processes have been duly served on the defendant
2. That the time before the date of service and the date of hearing was sufficient for the defendant to have appeared had he intended to do so.

It is also important to note at this point that none of the facts stated by the Claimant's witness above was controverted in evidence or denied by the defendant and so will be deemed by this court as admitted. The law is that facts admitted need not be proved by evidence. Please refer to the case of Ayoke V. Bello (1992)10 NWLR (Pt 218) pg 380 Ratio 2; O.A.A Cooperative Society Vs. NACP Ltd (1999) 2NWLR (Pt 590) Pg 234, Ratio 4 to the effect that what is not denied is deemed admitted and what is admitted need not be proved.

On the undisputed and clear evidence before the court, the court will hold that the claimant has discharged the burden of proving that she is entitled to his claim before the Court.

IT IS THUS ADJUDGED that the Defendant to pay the Claimant the sum of N400,000,00 (Four Hundred Thousand Naira) as balance paid as rent for a self-contain which the defendant never rented to the Claimant.

AND IT IS ORDERED that the defendant to pay the Claimant, the aforesaid sum of **N400,000,00 (Four Hundred Thousand Naira)** representing the balance on rent **with immediate effect**

AND IT IS FURTHER ORDERED that the defendant do pay to the Registrar of this court, the total sum of **N400,000,00 (Four Hundred Thousand Naira)** representing the balance on rent.

TAKE NOTICE –That if payment is not made as above ordered, a warrant or warrants may issue requiring an officer of the court to levy the sum above mentioned, to the Claimant together with further costs.

GIFT O. AMADI, ESQ.
CHIEF MAGISTRATE

G.D.II
G.CHINYERE AMADI. ESQ.
CHIEF MAGISTRATE G.D.II