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IN THE CHIEF MAGISTRATE'S COURT OF DELTA STATE OF NIGERIA
IN THE SMALL CLAIM COURT
HOLDEN AT OLEH
BEFORE HIS WORSHIP O.M. OMONEMU (MRS.) CHIEF MAGISTRATE GRADE 1
(SPECIAL GRADE) ON WEDNESDAY THE 27TH DAY OF NOVEMBER, 2024

SUIT NO: SCC/OLEH/29/2024

MRS. CYNTHIAN ELO ODIOKO <i>(Carrying on Business under the name of Elo's Choice Investment)</i>	}	- - - -	CLAIMANT
=AND=			
MABEL ABHA	- - - -	- - - -	DEFENDANT

JUDGMENT

The Claimant's claim is filed on the 5/11/2024. Defendant was served with the process from the prove of service that was filed. The matter came up on the 25/11/2024 for plea/hearing. However, defendant was not in court. Thus Pursuant to Article 8(2) of the Practice Direction on Small Claims 2023, the court shall proceed with the hearing of the claim and enter Judgment as far as the claimant can prove her case. The relief of the claimant are as stated on the face of the claim.

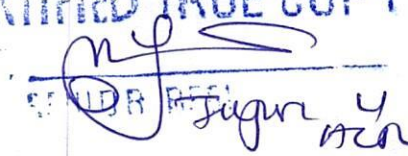
Claimant says she is a businesswoman that she loaned the defendant (N50,000.00) fifty thousand naira on the 13/9/2019. It was at an interest rate of 5% (N5,000,00) monthly. The loan form was tendered as exhibit A. claimant said defendant paid interest up to May, 2021. That from June till date, the defendant has not paid the interest nor the capital sum. Claimant said she paid her lawyer (N100,000.00) one hundred thousand naira to file the suit in court. the receipt for the payment was tendered as exhibit B. urge court to grant her request.

I have gone through the evidence of the claimant.

A sole issue came up for determination;

Whether the claimant was able to prove its case upon the balance of probability of evidence led.

In civil cases the burden of first proving the existence or non-existence of a fact lies on the party against whom the judgment of the court would be given if no evidence were produced on either said, regard being had to any presumption that may arise on the

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pleadings. The burden of proof shall be discharged on the balance of probabilities. I refer to Section 133 and Section 134 EVIDENCE ACT 2011 (As Amended, 2023). Claimant told court that she loaned the defendant the sum of (N50,000.00) fifty thousand naira with 5% monthly interest. In proof of this exhibit A was tendered. it is trite that documentary evidence supersedes oral evidence. Exhibit A shows that the claimant and defendant entered an agreement duly signed by them. Also in proof of cost of litigation exhibit B was tendered.

From the oral and documentary evidence, the claimant has shown she has been able to prove her case on the balance of probabilities of evidence led.

COURT – I shall therefore grant her reliefs as sought.

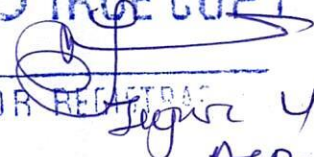
It is hereby ordered that the defendant shall pay to the claimant the sum of (N50,000.00) fifty thousand naira being the capital sum.

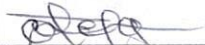
It is hereby ordered that the defendant shall pay to the claimant the sum of (N200,000.00) two hundred thousand naira being monthly interest for 40 months i.e from June, 2021 to September, 2024 at the rate of N5,000.00 (five thousand naira) per month.

It is also ordered that the defendant shall pay to the claimant the sum of (N5,000.00) five thousand naira monthly interest with effect from October, 2024 until judgment is delivered.

It is further ordered that the defendant shall pay to the claimant the sum of (N100,000.00) one hundred thousand naira cost of litigation.

It is further ordered that the defendant shall be given two months from the date of the judgment to comply with the terms of the judgment.

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 SENIOR REGISTRAR
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 ACR


O.M. Omonemu (Mrs.)
 C.M 1 (Special Grade)
 27/11/2024