

GOVERNMENT OF ABIA STATE OF NIGERIA
IN THE SMALL CLAIMS COURT OF ABIA STATE
HOLDEN AT UMUAHIA
BEFORE HIS WORSHIP MARY UKEJE EMENIKE (MRS) CHIEF MAG. GD. 1
ON THIS THURSDAY THE 31ST DAY OF OCTOBER, 2024.

CLAIM NO: U/SCC/16/2024

**MORNING SUN MULTIPURPOSE CO-OPERATIVE
SOCIETY LTD MICROFINANCE**

- CLAIMANT

VS.

TONIE TAYLOR ENYIOKO

- DEFENDANT

Parties are present except the Defendant.

APPEARANCES: Orji Onwudinjo Esq for the Claimant; no representation for the Defendant.

COURT: Judgment

The Claimant is claiming the sum of **₦3,996,000.00 (Three Million, Nine Hundred and Ninety Six Thousand Naira)** from the Defendant, a loan facility the defendant obtained from the Claimant, the Claimant is also claiming the sum of **₦3,100.00 (Three Thousand One Hundred Naira)** being the Court fee and **₦100,000.00 (One Hundred Thousand Naira)** being the cost of this suit bring it to a total of **₦4,096,000.00 (Four Million Ninety Six Thousand Naira)**. The claim was filed on 1/3/2024 and same was served on the Defendant.

On the 16/8/2024, the Claimant opened his case and the evidence of CW1 can be summarized thus: that on 21/5/2019, the Defendant came to the office of the Claimant and requested for a topping of the loan he had been given before. When the Defendant was interviewed, he said the job he did in Port Harcourt is almost completed that he should be assisted by giving him the sum of **₦500,000.00 (Five Hundred Thousand Naira)** to enable him complete the job which the Claimant agreed. That the Claimant requested for another collateral which the Defendant gave the original particulars of his Jeep and Roadworthiness of the vehicle. That the Defendant was issued with an empowerment form which he filed and signed

and also a sanction advice which the Defendant's guarantor signed. The sum of ~~₦500,000.00~~ was given to the Defendant., By twelve month, the defendant paid in ~~₦500,000.00~~. That by 55 months, the interest was ~~₦3,996,000~~ and the principal sum of ~~₦500,000.00~~ the total then was **₦4,496,000.00 (Four Million Four Hundred and Ninety Six Thousand Naira)**. That minus the ~~₦500,000.00~~ the Defendant paid the balance became ~~₦3,996,000.00~~; CW1 went further to say that all possible means to get in touch with the Defendant to liquidate the money failed. CW1 tendered Exhibit A, the Empowerment form and Exhibit B the Approval form.

On the 26/9/2024 when the matter came up for cross examination of CW1, the Defendant was not in Court, application for foreclosure was made and same granted. The Defendant was not also present in Court to enter his defence on the 10/10/2024 when the matter came up. Again, application for foreclosure was made and same was granted. The Claimant Counsel thereafter applied that Judgment be entered in favour of the Claimant.

Having summarized the evidence adduced before me, I have to state that the defendant stopped coming to Court on the 18/7/2024 after the Ruling on the preliminary objection raised by the Defendant. Hearing notice was issued and served on the Defendant yet still, the Defendant neglected to appear in Court and cross examined the witness or even put up a defence.

Having not challenged the evidence, the facts are deemed admitted and the law is that the Court can act on the unchallenged evidence and deem them as establishing the correct position of the facts in issue. See the case of **Arewa Textile Ltd Plc V Fintex Ltd (2003) 6FR Pg 184** and the case of **CBN V Okezie (2015) EJSC Vol 26 Pg 2**. The Standard of proof required in a civil suit is generally placed on the preponderance of evidence or balance of probability. The Plaintiff had the duty to adduced evidence to support his claim in the Suit. See the case of *Okechukwu V AG Rivers State (2012) 6 NWLR Pt 1295 Pg 53* and the case of *Emeka V Ikpeazu (2017) EJSC Vol 67 Pg 58*.

I find as a fact that the Claimant has proved his case and therefore is entitled to Judgment. Accordingly, Judgment is and hereby entered for the Claimant in the following terms.

- (1) The Defendant shall pay to the Claimant the sum of **₦3,996,000.00 (Three Million, Nine Hundred and Ninety-Six Thousand Naira)**.

- (2) It is hereby ordered that the Defendant shall pay the sum of **₦3,100.00 (Three Thousand One Hundred Naira)**.
- (3) A cost of **₦10,000.00 (Ten Thousand Naira)** is hereby awarded against the Defendant.

This is the Judgment of the Court.



Signed

His Worship Mary Ukeje Emenike (Mrs)
Chief Mag. Gd. I.
31/10/2024



AGBANYIM C.C. (MRS)
Asst. Chief Registrar I