

GOVERNMENT OF ABIA STATE OF NIGERIA
IN THE SMALL CLAIMS COURT OF ABIA STATE
HOLDEN AT UMUAHIA
BEFORE HIS WORSHIP MARY U. EMENIKE (MRS) CHIEF MAG. GD 1
THIS THURSDAY THE 26TH DAY OF SEPTEMBER, 2024.

CLAIM NO: U/SCC/26/2024

BETWEEN

CHIMDI UGOALA

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CLAIMANT

AND

JAMES IKECHUKWU MMILI OMASI

-

DEFENDANT

Parties are present except the Defendant.

APPEARANCES:- The Claimant is representing himself; No representation for the Defendant.

COURT: Judgment

The Claimant is claiming the sum of **₦598,000.00 (Five Hundred and Ninety Eight Thousand Naira)** from the Defendant as the money he paid the Defendant for Iphone 12 Promax; **₦2,200 (Two Thousand Two Hundred Naira)** as Court fees and a cost of **₦100,000.00 (One Hundred Thousand Naira) only**. The Claim was filed on the 7/5/2024 and same was served on the Defendant by substituted means. Affidavit of Service of same is filed at page 11 of the case file.

On the 13/6/2024, plea was taken and the defendant pleaded not liable to the 1st arm of the Claimants Claim, liable to the 2nd arm of the Claim and liable to the 3rd arm of the claim.

Shortly after the plea, the Defendant informed the Court that he was going to pay the Claimant the sum of ₦500,000.00 (Five Hundred Thousand Naira) and the Claimant was paid the sum of ₦500,000.00 (Five Hundred Thousand Naira).

The matter was adjourned for report of settlement and on the 5/7/2024 when the matter came up, the Defendant informed the Court that he needed time to pay the balance of

the money. Since then, the Defendant has not been in Court and the matter was adjourned severally for the report of settlement.

The facts of the Claimant's case is that the Defendant sold Iphone 12 Promax to him on the 6/4/2024 which phone turned out to be a bad phone the next day and he returned the phone to the Defendant which the Defendant agreed to give him back his money which he paid for the phone which was ₦598,000.00 and the Defendant refused to refund the money back to him.

In his evidence in Chief on the 26/9/2024, the Claimant said the Defendant has paid him the sum of **₦530,000.00 (Five Hundred and Thirty Thousand Naira)** and it is remaining a balance of ₦68,000.00 and that the Defendant had said he will pay ₦50,000.00 but he paid ₦30,000.00. That he saw the Defendant last week and the Defendant said nothing about the money.

I have listened to the evidence of the Claimant and the Defendant admitted to the claim of the Claimant made an initial payment of ₦500,000.00 and later paid ₦30,000.00 to the Claimant. Since on the 12/7/2024 the Defendant appeared last in this Court, the Defendant has not appeared again in Court. I will have no other option than to enter Judgment in favour of the Claimant based on the facts admitted by the Defendant.

Accordingly, Judgment is and hereby entered in favour of the Claimant in the sum of ₦68,000.00. The Defendant shall pay to the Claimant the said sum of ₦68,000.00 forthwith. The cost of ₦10,000.00 is hereby awarded against the Defendant.

This is the Judgment of the Court.



Signed
His Worship Mary U. Emenike (Mrs)
Chief Magistrate Grade 1
26/09/2024



AGBANYIM C.C. (MRS)
ASST. CHIEF REGISTRAR