

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 FRIDAY THE 9TH DAY OF MAY, 2025.

CLAIM NO: U/SCC/56/2024

CLETUS UMEH

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CLAIMANT

VS.

MR. ODINAKA

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DEFENDANT

APPEARANCES: Nil

COURT: Judgment

The Claimant is claiming the following from the Defendant: **(a) N280,000.00 (Two Hundred and Eighty Thousand Naira)** as arrears of rent from the month of June, 2023-July, 2024 for a one room self-contain apartment **(b) N2,100.00 (Two Thousand one Hundred Naira) Court Fee** and **(c) N50,000.00 (Fifty Thousand Naira).**

The Claim was filed on the 26/9/2024 and same was served on the Defendant. Affidavit of Service is filed at Page 6 of the Court file. Plea was taken on the 10/10/2024 and the Defendant pleaded not liable to the 1st, 2nd and 3rd arm of the Claimant's claim.

The Claimant testified as CW1 and his evidence is summarized thus:- That the Defendant is his tenant and a monthly tenant who occupys the property and pays a rent of N20,000.00 per month and that the Defendant paid his rent last in May, 2023 and he issued the Defendant a receipt and he tendered the duplicate copy of the said receipt as Exhibit A. He went on to say that the Defendant is in arrears of rent from the month of June, 2023 to July, 2024 which is a total of N280,000.00 and that the Defendant is still living in the property which is located at No. 28 Aba-Road, Umuahia.

At the end of the evidence of CW1, the matter was adjourned to the 17/10/2024 for cross examination of CW1 and the Defendant was not in Court to cross examined CW1 and an application for a foreclosure was made and same was granted and thereafter, the matter was adjourned for defence. Hearing notice was ordered to be issued and served on the Defendant and

the proof of service of the hearing notice is filed at Page 8 of the Courts file. Despite the service of the Hearing Notice, the Defendant did not put up an appearance to defend this suit. Again, the Claimants Counsel made an application for foreclosure and matter be adjourned for Judgment and same was granted as prayed.

The evidence of the Claimant before this Court is unchallenged and it is trite that evidence not challenged are deemed to be correct and ought to be acted upon by the Court. See the case of **Alfontrin Ltd V A.G. Federation (1996) 9 NWLR (Pt475) Pg 634** and also the case of **Ifediora & 2Ors V Okafor & 2 Ors (2019) EJSC (Vol 122) Pg 46**. The Defendant was served with a Hearing Notice which according to law, is the only legal means of informing a party who was absent from Court of the return date. See the case of **Compact Manifold & Energy Services Ltd V Pazan Services Nig Ltd (2019) EJSC Vol. 127 Pg 2**. The Defendant has refused or neglected to come to Court to either defend this suit or put up his defence. It is obvious that since the Defendant appeared in Court to take his plea, he is no longer interest in this Suit and there is no way the Court can force him to put up a defence. Having said this, there is nothing left other than to grant the prayers of the Claimant and enter Judgment.

Accordingly, Judgment is and hereby entered for the Claimant in the following terms: (a) The Defendant shall pay to the Claimant the sum of **₦280,000.00** of rent owned the Claimant by the Defendant.

(b) it is ordered that the Defendant shall pay the Court fee of **₦2,100.00 (Two Thousand One Hundred Naira)**. (c) A cost of **₦5,000.00 (Five 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.

9/5/2025

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