

GOVERNMENT OF ABIA STATE OF NIGERIA
IN THE SMALL CLAIMS COURT OF ABIA STATE
HOLDEN AT UMUAHIA

BEFORE HIS WORSHIP MARY UKEJE EMEIKE (MRS) CHIEF MAG. GD. 1
THIS TUESDAY THE 10TH DAY OF JUNE, 2025.

CLAIM NO: U/SCC/73/2024

BETWEEN

**POTENT MICROFINANCE COOPERATIVE
SOCIETY LTD**

-

CLAIMANT

AND

MRS. OTUKA FUTURE INISO

-

DEFENDANT

Parties are present except the Defendant

APPEARANCES: The Claimant is not represented.

COURT: Judgment

The Claimant is claiming the following from the Defendant **(1) ₦864,000.00 (Eight Hundred and Sixty four Thousand Naira)** debt owed the Claimant **(2) ₦2,100.000 (Two Thousand One Hundred Naira)** Court fee **(3) ₦100,000.00 (One Hundred Thousand Naira) cost.** Bringing it to a total of **₦966,100.00 (Nine Hundred and Sixty six thousand one hundred naira.** The claim was filed and served on the Defendant. Affidavit of service is filed at page 6 of the Court file.

On the 20/12/2024, the Claimant opened his case and one Dominic Chidi Nwachukwu, the Chairman of Potent Micro Finance Cooperative Society Ltd testified as CW1. His evidence is that the Claimant is a Registered Cooperative Society, registered with Abia State Government and they have registered members in the cooperative society some of which are depositors, some savers and some borrow from the cooperative society. That the Defendant used to be a server but later the Defendant in March 2023; borrowed from the Claimant; He went further to say that on 22/2/2024, the Defendant applied for a loan of **₦2,500,000.00 (Two Million Five Hundred Thousand Naira)** and upon the application, the Claimant entered into an agreement with the Defendant. The agreement was that the Defendant will use the good in her shop as collateral. It was his evidence that the Defendant was given ₦2,500,000.00 and she was to return the money by March, 2024. That the Defendant is owing the Claimant the

balance of **₦864,000.00 (Eight Hundred and Sixty Four Thousand Naira)** in addition to cost and court fees they sued the Defendant for. CW1 during his evidence tendered the said Defendant's application for loan as Exhibit A, Exhibit B is the said agreement and Exhibit C the contract of Sale Agreement.

At the end of the evidence in Chief of CW1, the matter was adjourned for cross examination of CW1 on the said date, the Defendant was absent in Court and no explanation was given despite the service of a hearing notice on the Defendant. Application to foreclose the Defendant was made and same was granted. The matter was therefore adjourned for defence and the defendant still did not appear in Court to put up her defence. Again, application for foreclose was made and same was granted.

I have looked at the evidence adduced before me and I have equally summarized same. It is just the evidence of the Claimant that is before this Court and that evidence is unchallenged. In the case of **Kayili V Yilbu (2015) EJSC (Vol 10) Pg 2**, the Supreme Court held that if an oral evidence is given in the witness box is unchallenged, it must be accepted as establishing the facts therein stated. For the fact that the Defendant has refused or neglected to come to Court and defend this Suit it means the Defendant has accepted the facts and at the same time does not have a defence. I am left with no other option than to accept the facts stated by the Claimant and the Exhibits tendered as establishing the facts in this Suit.

I am therefore of the view that the Claimant has proved his case and therefore entitle 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 **₦864,000.00 (Eight Hundred and Sixty four Thousand Naira)** being debt owed the Claimant (2)The Defendant shall pay the Court fees of **₦2,100.00 (Two Thousand One Hundred Naira)**. A cost of **₦20,000.00 (Twenty Thousand Naira)** is awarded against the Defendant. Same shall be paid forthwith.

This is the Judgment of the Court.

Signed
His Worship Mary Ukeje Emenike (Mrs)
Chief Mag. Gd. I.
10/6/2025



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