

IN THE MAGISTRATES' COURT OF ABIA STATE OF NIGERIA.
IN THE SMALL CLAIMS COURT, ABA ZONE.
BEFORE HIS WORSHIP, U. J. YOUNG-DANIEL (ESQ) CHIEF MAG. GRD 1.
THIS 5TH DAY OF AUGUST 2025.

SCC/AB/479/25

BETWEEN:

MR. DANIEL OSITA ONYEMELUKWE ----- **CLAIMANT**
(BY ATTORNEY PAUL EZEGBOGU)

AND

MR. CHUKWUEMEKA OKAFOR ----- **DEFENDANT**

Claimant Attorney Present.

Defendant Absent.

Appearances: I. E. Okere Esq appears for the Defendant.

No representation for the Claimant.

Matter is for Judgment.

JUDGMENT.

Claimant by Attorney claims from the Defendant the sum of ₦1,000,000.00 (One Million Naira) being arrears of rent as it is stated in the Claimant Letter of Demand. However, Defendant filed a Defence as it is contained in the *Form SCA 5* of Defence to the effect that the Claimant is not his landlord. That there is no tenancy relationship existing between them. This Claim is in respect of the property known and called No 30 Asa Road Aba. Meanwhile, Defendant filed a Motion for Joinder of parties in this Claim. However, same was struck out on the basis or ground that Small Claims Court does not entertain or hear Motions for Joinder of parties, rather parties sought to be joined are accepted or allowed to testify as witnesses and where it is proved that the Claimant or Defendant is the proper person to claim arrears of rent, same will be granted the proper party. Hearing of Motions in Small Claims Court is in contrast or defeat to the Fast Tract Rules and Procedures of Small Claims Court. In the circumstance of the aforestated, this Court further brought to the attention of parties

the fact that this Court has decided many Claims previously in respect of the property known and called No 30 Asa Road Aba in favour of the Claimant as such would take Judicial Notice of the Judgments thereto in respect of this Claim also in respect of a Claim of arrears of rent from the Defendant of No. 30 Asa Road Aba. Moreso, the Defence filed by the Defendants in the previous decided Claims upon which this Court takes Judicial Notice of aforestated was to the effect that the Claimant is not their landlord and that there was no landlord and tenant relationship between them prior to filing the Claims by the Claimant for recovery of arrears of rent same as the Defence filed in the Claim by the Defendant and other sister Claims in respect to No. 30 Asa Road Aba, subject matter of this Claim for recovery of arrears of rent. In the circumstance, this Court did direct parties, particularly the Defendant to present before this Court documents of proof to the effect that the Claimant is not entitled at this time to the Claims of arrears of rent from the Defendant in this Claim and other Defendants in the sister Claims presently before this Court and when the proofs upon which this Court had relied upon in deciding that the Claimant is entitled to Judgment in respect of Claims of arrears of rent from the Tenants/Defendants in the Judgments previously granted in the favour of the Claimant upon which this Court has taken Judicial Notice thereto following the directive of this Court aforestated, Claimant Attorney presented/tendered *Exhibit A* of last rent receipt issued the Defendant dated 27th day of April, 2017. Also *Exhibit F* dated the 27th day of July, 2007 titled; *To Whom It May Concern* of Authority granted to the Claimant by the Claimant mother and all siblings to the effect to manage and superintend the management of the Estate of D.S.C. Onyemelukwe property which the property No. 30 Asa Road Aba is included thereto; *Exhibit G* of a High Court Judgment delivered on the 19th day of July, 2018 in *Suit No: A/33/2015* Per Hon. Justice L. Abai to the effect of granting the Claimant authority to manage and superintend the management of the estate/property of D.S.C. Onyemelukwe which include No. 30 Asa Road Aba, which judgment confirmed the family authority as contained in *Exhibit F* to the Claimant and *Exhibit H* of a document of Notice of striking off companies from the Register wherein is the Status Report to the fact that the company D.D. Onyemelukwe Estates Ltd being inactive has been struck out from the list of active Company Register at the Corporate Affairs Commission. Parties accepted that *Exhibits F, G and H* aforestated tendered in a brother Claim of *SCC/AB/478/2025* Between *Daniel Osita Onyemelukwe* (By

Attorney Paul Ezegbogu) Vs Mr. Luke Ume be adopted to this Claim. Nevertheless, Defendant Counsel tendered *Exhibit B* of a High Court Order in *Suit No: A/73/2025* wherein the Claimant and Attorney are restrained and an injunction placed on them from in any way, harassing, demanding for rents and or using the Machinery of Small Claims Court to demand and or collect rents from the Claimant/Plaintiffs in the said Suit including other tenants in the property during the subsistence of the Judgment of the Court in *Suit No: A/121/2020 of Obed Chukwudi Nwachukwu Vs Daniel Onyemelukwe & Ors* and the second Order thereto, striking out the Proceedings and Processes of Small Claims Court affecting tenants in some Small Claims Court stated thereto. Also Defendant Counsel tendered *Exhibit C* of a rent receipt dated the 26th day of January, 2025. This Court has considered all that are before it tendered by parties in proof of Claim and Defence of this Claim to the locus standi of the Claimant by Attorney to file this Claim for arrears of rent from the Defendant and other Tenants/Defendants in the sister Claims before this Court. This Court states that *Exhibit B* of the Restraining Order cannot restrain Small Claims Court Proceedings on the basis and grounds that the said Restraining Order is from a High Court not captured in the Rules and Procedures of Small Claims Court. This Court states that all procedures in respect of issues of Small Claims Court in regard to Appeals and or any other procedure after trial by the Magistrate Court of Small Claims Court is to be heard by a fast track High Court specially designated to hear Appeals or any other issues after Judgment by a Magistrate of a Small Claims Court and no other High Court in that respect. This Court refers to Article 15 on Appeals of the *Practice Direction* on the Small Claims Court of Abia State. In order words, any procedure on Appeal of a Small Claims Court Judgments or Orders that are not filed in compliance with Article 15 of the Practice Direction of the Small Claims Court as is done in *Exhibit B* cannot be valid. Procedure/Order restraining the Small Claims Court activities or procedure as the Defendant is presenting before this Court to the effect of restraining this Court from hearing this Claim and other sister Claims before it, further, by a directive by the Chief Judge of Abia State Hon. Justice Lilian Abai dated the 11th day of July, 2025 to all Honorable Judges to the effect that all matters originating from Judgments/Orders of the Small Claims Court are to be handled by the Judges specifically appointed for that purpose, namely; Hon. Justice C. C. Nwakanma for Small Claims Court Umuahia and Hon. Justice Ogbonna Adiele for Appeals on Small Claims Court Aba and then directed

that all matters in respect of Small Claims Court Judgments/Orders before any other Court not these two Courts aforesated are to be transferred to the two Courts. To that effect, this Court states that *Exhibit B* cannot be an Order effectively restraining this Court from hearing this Claim and other sister Claims before it. Nevertheless, *Exhibits F and G* are of the authorities by the Claimant family and a High Court respectively to the effect that the Claimant manage and or superintend the management of the Estate of D.S.C. Onyemelukwe. There is no contrary Order before this Court in respect to *Exhibits F and G* and to that effect, Court is of the firm view that the Claimant is entitled to and has the locus standi and authority to claim for arrears of rent from the Defendant/tenant and other Defendants in the sister Claims before this Court to the exclusion of any other party or person claiming thereto in respect of the Estate/Property of D.S.C. Onyemelukwe including No. 30 Asa Road Aba subject matter of this Claim for recovery of arrears of rent. In the circumstance, this Court Orders that the Defendant forthwith pay to the Claimant the sum of **₦1,000,000.00 (One Million Naira)** of arrears of rent. There is no Order as to cost.

This Court also Orders that the Judgment in this Claim be adopted and applied to the sister Claims of wit; ***SCC/AB/475/2025 Between: MR. DANIEL OSITA ONYEMELUKWE (By Attorney Paul Ezegbogu) VS MR. UCHE JONATHAN.*** In the circumstance, Defendant is Ordered to pay the Claimant the sum of **₦910,000.00 (Nine Hundred and Ten Thousand Naira)** forthwith. There is no Order as to cost.

SCC/AB/476/2025 Between: MR. DANIEL OSITA ONYEMELUKWE (By Attorney Paul Ezegbogu) VS MRS CHINYERE NWADIKE; Defendant is to pay the Claimant the sum of **₦880,000.00 (Eight Hundred and Eighty Thousand Naira)** forthwith. There is no Order as to cost.

SCC/AB/477/2025 Between: MR. DANIEL OSITA ONYEMELUKWE (By Attorney Paul Ezegbogu) VS MR. OBINNA EZE; Defendant is to pay the Claimant the sum of **₦798,000.00 (Seven Hundred and Ninety Eighty Thousand Naira)** forthwith. There is no Order as to cost.



U. J. YOUNG-DANIEL (ESQ)
CHIEF MAG. GRD 1.
05/08/25.

NWANOSIKE PATRICK C.
Head Registrar
SCC Aba Zone