

**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 1<sup>ST</sup> DAY OF JULY, 2025.**

**SCC/AB/808/24**

**BETWEEN:**

**M. O. KANU SONS & CO. LTD. ----- CLAIMANT**

**VS**

**MARK OKORIE ----- DEFENDANT.**

***Claimant Attorney Present.***

***Defendant Absent.***

***Appearances: Kanu Chukwuemeka Esq appears for the Claimant.***

***No Representation for the Defendant.***

**MATTER IS FOR JUDGMENT.**

**JUDGMENT.**

By its Letter of Demand, Claimant Claims the sum of ~~N~~4,200,000.00 (*Four Million, Two Hundred Thousand Naira*) being arrears of rent from October, 2020 to October, 2024 as it is contained and stated in the Claimant Letter of Demand. Defendant filed a Defence as it is contained in *Form SCA 5* to the effect that this Claim is a gross abuse of Court Process, the ownership of the said property is in dispute. The matter is pending in the High Court 4 Aba before My Lord Nwankwo and that the Claimant is the second Defendant, in that matter as it is stated and contained in the Defendant Defence. Nevertheless, this Court is Small Claims Court and will never consider the issue of sub judis and or abuse of Court process until or except parties are heard to that effect. Also there was an issue of Joinder of Parties to the Defendant in this Claim which issue is not issues of Small Claims Court in view of the nature of proceeding of Small Claims Court. Nevertheless, Hearing in this Claim commenced and the Claimant through its Attorney in proof of its Claim testified that he is claiming on behalf of the Claimant the sum of ~~N~~4,200,000.00 (*Four Million, Two Hundred Thousand Naira*) of arrears of rent

for the period of the month of October, 2020 to October, 2024. Also that the Defendant is owing the Claimant rent in arrears for the period of November, 2024 to May, 2025 of the sum of ₦525,000.00 (Five Hundred and Twenty Five Thousand Naira) and then that the total sum of rent in arrears owed the Claimant by the Defendant is at the sum of ₦4,725,000.00 (Four Million, Seven Hundred and Twenty Five Thousand Naira) and concluded his evidence in chief and was cross examined by the Defendant Counsel among other relevant facts to wit that the Defendant occupies a mini warehouse at No. 44A Ngwa Road Aba and pays the rent sum of ₦87,000.00 (Eighty Seven Thousand Naira) per month at the annual rent sum of ₦1,050,000.00 (One Million, Fifty Thousand Naira) as was responded and stated by the Claimant Attorney. Nevertheless, Claimant Attorney denied the fact of this cross examination that he is a second Defendant in a Pending Suit on the ownership of the property, subject matter of this Claim at the High Court 4 Aba, rather Claimant Attorney stated that the Suit has been dismissed in favour of the Claimant. Defendant Counsel in a further cross examination of the Claimant Attorney asked if the Claimant knows one Nzechukwu Kanu of one of the children of the Claimant Attorney late father's wife, nevertheless, Claimant Attorney responded and stated that his late father does not have any other wives except his mother. However, in further cross examination of the Claimant Attorney by the Defendant Counsel on issues of paternity of the Claimant Attorney and children of the late father of the Claimant Attorney and legitimacy of marriages with other women aside Claimant Attorney mother arose, which at this stage, this Court states are not relevant to it as this Court of Small Claims Court does not have the jurisdiction to determine the issues hence this Court states that all cross examinations and testimonies to those facts are disregarded and indeed a complete waste of the Court's time to that extent indulged in the proceedings. Nevertheless, Claimant concluded its proof of Claim. Defendant opened its proof of Defence by Attorney and stated that the issue of rent in arrears for the period of the year 2020 which the Defendant has paid is resolved by the issuance to the Defendant rent receipts to that effect issued by the Claimant Attorney and to this fact tendered *Exhibit A and B*. However, Defendant Attorney testifies that after the year 2020 rent was paid the Claimant Attorney late father of M. O. Kanu started to have loggerhead in respect to Title/Ownership of the property subject matter of this Claim and other properties of late M. O. Kanu resulting to multicplicity of letters from various family members laying Claims to the ownership of No. 44A Ngwa Road Aba subject

matter of this Claim and other brother claims thereto. Defendant Attorney further testified that the issue of tussle of ownership brought confusion to the Defendant as a tenant at No. 44A Ngwa Road Aba and to other co-tenants as to who amongst the family of late M. O. Kanu would be paid rent. Defendant Attorney testified that the Defendant received a letter from Barrister Anthony Mgbarine who is a Lawyer to one of the late M. O. Kanu family member to the effect that by virtue of a transfer of the property of No. 44A Ngwa Road Aba subject matter of this Claim for arrears of rent by H.R.M. M. O. Kanu in his lifetime for one Nze Chukwuma Kanu being one of his sons, which letter Defendant Attorney testified was brought to the attention of the Claimant Attorney and he reacted that he will file a Suit to set the transfer aside and that Claimant Attorney also presented or brought to the Defendant attention an Order of a Court directing the Claimant Attorney to collect rent and upon this development, Defendant Attorney testified that the Defendant paid the Claimant Attorney some rents which were not receipted. Defendant Attorney further testified that sequel to conflicting Letters and Orders from the Claimant Attorney and other family members, Defendant stopped paying rents to any party or persons of the late M. O. Kanu family member who was laying Claims to No. 44A Ngwa Road Aba subject matter of this Claim for recovery of arrears of rent. Defendant Attorney tendered *Exhibits C, D, E, F, G, H, J, K and L* to wit – *A Warning Letter titled TO WHOM IT MAY CONCERN dated the 28<sup>th</sup> Day of December, 2022; A Certified True Copy of Suit No: A/291/2024 Between: Nze Chukwuma Kanu (By his next of friend) Mrs Nanban Kanu Vs The Executor/Trustees of the Estate of His Royal Majesty Maxwell Omeire Kanu as the 1<sup>st</sup> Defendant and Chukwuemeka Kanu of Claimant Attorney in this Claim as 2<sup>nd</sup> Defendant and 17 others; A Letter titled Transfer of Ownership of Property dated the 4<sup>th</sup> Day of August, 2019; A Marriage Certificate; Five (5) Picture Annexures; Last Will of HRM Maxwell Omeire Kanu dated the 14<sup>th</sup> Day of November, 2008; Affidavit of Service of Suit No: A/291/2024 respectively.* Defendant Attorney testified that the Defendant is currently owing rents in arrears for the period of the year 2022 till date and added that the Defendant is not contesting ownership of the property of No. 44A Ngwa Road Aba, however, will pay rent to whomever is the proper or right person after the determination of issues of ownership of No. 44A Ngwa Road Aba by the Court as a Suit is currently pending before a High Court Aba as in *Exhibit D* of the Suit and *Exhibit K* of Affidavit of Service of *Exhibit D* on the Claimant Attorney dated the 18<sup>th</sup> day of December, 2024 and concluded his

evidence in chief by stating that the Defendant pays the rent sum of ₦14,000.00 (Fourteen Thousand Naira) per month. Defendant Attorney was cross examined to the fact that the alleged rent Defendant paid for the period of the year 2020 was arrears of rent owed for the period of the year 2018 which was paid in the year 2020 and not rent for the period of the year 2020 and the Defendant Attorney responded and stated that it is not a fact, rather the rent paid was for the period of the year, 2020, however same was not receipted by the Claimant Attorney. Defendant Attorney was cross examined to the fact that the property of No. 44A Ngwa Road Aba, subject matter of this Claim belongs to the Claimant as a Company and not to any individual, Defendant Attorney responded and stated that it is not a fact, rather it belongs to Nze Chukwuma Kanu of a son of the late M. O. Kanu by virtue of *Exhibit E of Letter of Transfer* and *Exhibit L of Will*. Nevertheless, Defendant Attorney was cross examined to the fact that all the rent payments made by the Defendant were paid into the Claimant/Company Account and not into any individual account and Defendant Attorney responded and stated that it is a fact that Defendant paid rents into the Claimant/Company Account, however, it was before the issue of ownership of the property of No. 44A Ngwa Road Aba arose, hence Defendant desisted or stopped paying rents into the Claimant/Company Account pending the determination of the issues of title to the property as is currently pending in a High Court as is the circumstance in *Exhibit D*. when cross examined to the fact that *Exhibit L of Will* did not transfer No. 44A Ngwa Road Aba to anybody and did not transfer the property which belongs to the Claimant/Company to any individual family member, Defendant Attorney responded that he is not the maker of *Exhibit L*. Further, Defendant Attorney was cross examined that *Exhibit E of Transfer of Ownership of the property known and called No. 44A Ngwa Road Aba* and that *Exhibit E* is forged, Defendant Counsel responded and stated that No. 44A Ngwa Road Aba is mentioned in *Exhibit E* and that *Exhibit E* is not forged, however, he is not a family member of late M. O. Kanu and concluded the Defendant Attorney testimony and cross examination. DW2 is Barrister Anthony Mgbarine and testified that he was or used to be Lawyer to the Claimant Attorney late father and that he has been managing the property known and called No. 44A Ngwa Road Aba subject matter of this Claim and the brother claims for recovery of arrears of rents. DW2 testified that the property subject matter of this Claim known and called No. 44A Ngwa Road Aba belonged to the Claimant/Company as at the 14<sup>th</sup> Day of August, 2019. DW2

testified that the Claimant/Company was incorporated or formed in the year 1966 and had (3) three Directors to wit; H.R.M. Maxwell O. Kanu as the Chairman and Chief Executive Director; Milla Obioha Kanu and Beatrice Kanu a mother to the Claimant Attorney. DW2 testified that the (2) two Directors predeceased H.R.M. M. O. Kanu of Chairman and Chief Executive, who died on the 12<sup>th</sup> Day January, 2020. DW2 further testified that as at the time, H.R.M. M. O. Kanu Claimant Attorney father had transferred the property known and called No. 44A Ngwa Road Aba, to his last son – Nze Chukwuma Kanu, he was the Sole Director and Chief Executive of M. O. Kanu Sons & Co. Ltd/Claimant on the 14<sup>th</sup> Day of August, 2019 and H.R.M. M. O. Kanu did not appoint or bring in any other Directors to make up or add to the Directors of the Claimant/Company. DW2 testified that H.R.M. M. O. Kanu at his lifetime gave the property of No. 44A Ngwa Road Aba to his son Nze Chukwuma Kanu and gave No. 119 Cameroun Road Aba to one Madam Charity Kanu a wife to H.R.M. M. O. Kanu. Also that H.R.M. M. O. Kanu gave his daughter one Mrs Nnenna Nwachukwu a property situate at Aba Owerri Road Aba. Also another of his property to another of his son – one Daniel Kanu and that all these gifting of properties aforesaid were made by H.R.M. M. O. Kanu *intervivos* – while still alive despite the existence of *Exhibit L of Will*. DW2 further testified that these gifting of properties to individual members of his family by H.R.M. M. O. Kanu were made because *Exhibit L of Will* did not take care of bequest of individual property. Nevertheless, DW2 testified that after the death of H.R.M. M. O. Kanu in the month of January, 2020, Claimant Attorney started or began to challenge and disturb these individual giftings made by his late father H.R.M. M. O. Kanu which his father had gifted as a Sole Director of the Claimant Company. DW2 further testified that because he was the family Lawyer to late H.R.M. M. O. Kanu, he was challenging the Claimant Attorney interactions with the giftings of the individual properties also telling the Claimant Attorney that he is not a Director of the Claimant/Company and bringing to the attention of the Claimant Attorney the fact that the Claimant/Company has not filed any Suit in a Court challenging the individual gifting/transfers of the properties by his late father because as he testified, it is the Claimant/Company that can file any Suit to that effect challenging the giftings and not an individual as in the Claimant Attorney. DW2 further testified that the Claimant Attorney put up a Caveat in respect of the gifted/transferred properties to individual members of his father's family by his father while he was alive at the realization that his father gifted the

properties as a Sole Director of the Claimant/Company and no other individual was a Director and he kept challenging the Claimant Attorney to that effect. At that, DW2 further testified that the Claimant Attorney forged document at the Corporate Affairs Commission making or appointing himself the Sole Director and Manager of the Claimant/Company without the consent, approval or resolution of the other members of his family including his eldest brother, one Uche Kanu. DW2 further testified that it is on the basis of the forged documents making the Claimant Attorney the Sole Director and Managing Director of the Claimant/Company that he is parading, claiming to be a Manager and Director of the Claimant and disturbing or challenging the individual gifting of the properties made by his late father. Nevertheless, DW2 further testified that when the Claimant Attorney siblings including his eldest brother of one Uche Kanu got to find out the forgery of appointing himself the Managing Director of the Claimant Company, they resolved among themselves to appoint fresh or new Directors of the Claimant/Company and removed the Claimant Attorney as a Director thereto as such the Claimant Attorney is not a Director of the Claimant Company M. O. Kanu Sons & Co. Ltd rather the Claimant Directors are – Daniel Kanu and Nnenna Nwachukwu and these two are the current record of Directors of the Claimant/Company at the Corporate Affairs Commission and not the Claimant Attorney. Also, DW2 testified that the Claimant Attorney is standing trial in a High Court at Federal Capital Territory Abuja in respect of the forgery appointing himself Sole Director of the Claimant at the Corporate Affairs Commission Abuja and forging his late father's signature to that effect. DW2 further testified that after the death of H.R.M. M. O. Kanu, there was need to raise funds for his burial and to that circumstance, the family resolved to raise the funds from the tenants of all the properties including No. 44A Ngwa Road Aba, which had been gifted Nze Chukwuma Kanu by late M. O. Kanu while alive. DW2 testified that it was at this circumstance that the Claimant Attorney being available or around that he was delegated or directed to collect or raise the funds from the tenants including No. 44A Ngwa Road Aba which had been gifted to Nze Chukwuma Kanu, hence the rents for the periods of the year 2020 and 2021 as contained in *Exhibits A and B* of Rent Receipts were collected by the Claimant Attorney and the Rent Receipts of *Exhibits A and B* issued by the Claimant Attorney. However, DW2 testified that after the burial of late M. O. Kanu, Claimant Attorney continued to make requests for rents from the tenants at No. 44A Ngwa Road Aba and at that development and by the permission of

Nze Chukwuma Kanu through his mother of next of friend, he wrote to all the tenants of No. 44A Ngwa Road Aba discouraging them not to pay rents to the Claimant Attorney as No. 44A Ngwa Road Aba no longer belonged to the Claimant/Company hence some of the tenants of No. 44A Ngwa Road Aba are paying rents to Nze Chukwuma Kanu through his mother of next of friend. To further settle issues, Nze Chukwuma Kanu through his mother of next of friend filed a Suit at the High Court Aba as in *Exhibit D* wherein one of the reliefs sought by the Plaintiff is to the effect that the Court makes a Restrain Order against the Claimant Attorney from collecting rents from tenants at No. 44A Ngwa Road Aba. As such, Claimant Attorney has filed this Claim and other Claims in respect of No. 44A Ngwa Road Aba to downplay or rubbish the Suit as in *Exhibit D* which Suit has been served the Claimant Attorney by virtue of *Exhibit K* of Affidavit of Service on the Claimant Attorney. DW2 further testified that the Claimant Attorney had refused to file a Defence to *Exhibit D*, rather had obtained a Judgment fraudulently against the tenants at No. 44A Ngwa Road Aba and now filed this Claim and brother Claims for recovery of arrears of rent. DW2 testified that the Claimant Attorney is not in any way a Director of the Claimant M. O. Kanu Sons & Co. Ltd and that the property known and called No. 44A Ngwa Road Aba does not belong to the Claimant/Company, rather belong to Nze Chukwuma Kanu gifted to him by a document of transfer as in *Exhibit E* by his late father H.R.M. Eze M. O. Kanu and concluded his evidence in chief by urging this Court to dismiss all the Claims relating to No. 44A Ngwa Road Aba brought by the Claimant Attorney as they lack the necessary locus to file the Claims. DW2 tendered *Exhibit M* of the forged document of the Corporate Affairs Commission, *Exhibit N* of list of Current Directors of the Claimant/Company M. O. Kanu Sons & Co. Ltd issued by the Corporate Affairs Commission nullifying the Claimant Attorney allegedly fraudulent and forged Director status of the Claimant/Company. The *Charge of CR/56/2022* is marked *Exhibit O*. *Exhibit P* is the document wherein H.R.M. Eze M. O. Kanu appointed his wife Mrs Nanban Jacqueline Kanu to be his Sole or only representative in the Claimant/Company of M. O. Kanu Sons & Co. Ltd and in Omeire Pharmaceuticals Manufacturing Industries Ltd. *Exhibits Q and R* are of Marriage Certificate and pictures of the wedding ceremony between late H.R.M. Eze M. O. Kanu and Mrs Nanban because as DW2 testified, Claimant Attorney has been stating that Mrs Nanban was merely a concubine of H.R.M. Eze M. O. Kanu and not his wife. *Exhibit S* is a picture of late H.R.M. Eze M. O. Kanu with the four with Mrs Nanban. *Exhibit T* is

the Pre-arrangement Investigation of the forgery of the Corporate Affairs Commission documents of self appointment as a Director in the Claimant Company by the Claimant Attorney. *Exhibit U* is the Certificate of Incorporation of the Claimant Company M. O. Kanu Sons & Co. Ltd in the year 1966. *Exhibit V* is the alleged forged certificate of incorporation of the Claimant Company by the Claimant Attorney in the year 1982 while it was incorporated in the year 1966. *Exhibits W, X, Y* are documents of statements made by parties including Nnenna Nwachukwu of Claimant Attorney sister and Mrs Nanban Jacqueline to the fact of threats by the Claimant Attorney to testify in Court proceedings against him, and thus concluded the testimony of the DW2 and was cross examined by the Claimant Attorney to the fact that all that DW2 testified in Court have nothing to do with issues of recovery of arrears of rent of which this Claim and other brother Claims are before this Court. However, DW2 responded and stated that all that he has testified and the *Exhibits* tendered are to the fact proving that the Claimant Attorney is not a Director of the Claimant/Company as such has no capacity as a Director to file this Claim and other brother Claims for arrears of rent in respect of the property of No. 44A Ngwa Road Aba. Claimant Attorney tendered *Exhibit Z* of alleged forgery of document of the Corporate Affairs Commission appointing themselves as Directors of the Claimant/Company by Daniel Kanu and Nnenna Nwachukwu. Nevertheless, DW2 responded to *Exhibit Z* and stated that *Exhibit Z* goes to show or prove that the directorship of the Claimant/Company is in dispute and has not been resolved so that the Claimant Attorney has no capacity to collect rents from the tenants at No. 44A Ngwa Road Aba as he is currently into this Claim and brother Claims. DW2 was cross examined to the fact of whether he is aware of *Exhibit D* of a Judgment of a High Court resolving the issue of capacity to collect rents from tenants at No. 44A Ngwa Road Aba in his favour and DW2 responded and stated that he became aware of *Exhibit D* of the Judgment the previous day, however, added that Nze Chukwuma Kanu and next of friend mother – Nanban Jacqueline were not parties to the Suit resulting in the Judgment in *Exhibit D* rather that *Exhibit D* was a Personal Suit between the Claimant Attorney elder brother and Claimant Attorney as such, *Exhibit D* is not binding on Nze Chukwuma Kanu and next of friend mother – Nanban Jacqueline. DW2 further responded and stated that the Suit resulting to *Exhibit D* of Judgment which was filed by Uche Kanu of the Claimant Attorney elder brother was only filed in a personal capacity and not representing or on behalf of members of the family of M.



O. Kanu. DW2 further tendered *Exhibits A1 and B2* of Record of proof of evidence Index of Reference and A Charge of No: MAN/22/2020 – C.O.P. Vs Anthony Mgbarine & Anor respectively. However, responded to *Exhibit B2* to the fact that same was malicious on the ground that, the Court heard the Charge for two years running and he and his wife were discharged and acquitted accordingly. Finally, Claimant Attorney tendered *Exhibit N* already tendered as the true and or authentic copy of the Directorship state of the Claimant. The foregoing is the proof of Claim by the Claimant and Defence by the Defendant. This Court has considered all that are before it in the said proof and defence of this Claim, including the *Exhibits of A to Z and A1, B2* tendered by witnesses of both parties to this Claim. This Court states that the only *Exhibits* relevant to the Justice of this Claim are in respect to *Exhibits D of a High Court Suit No: A/291/2024 pending between Nze Chukwuma Kanu (Sueing by his next of friend Mrs Nanban Kanu) and The Executive/Trustees of the Estate of His Royal Majesty Maxwell Omeire Kanu, (2) Chukwuemeka Kanu/Claimant Attorney in this Claim and 17 Ors; Exhibit K of Affidavit of Service on Chukwuemeka Kanu/Claimant Attorney in this Claim; Exhibit O of Charge No: CR/56/2022 Between: Commissioner of Police Vs Chukwuemeka Kanu/Claimant Attorney in this Claim pending before a High Court of the Federal Capital Territory Abuja Judicial Division. Exhibit A1; also relevant to the Justice of deciding the issues of this Claim are the Exhibits tendered in the brother Claim of SCC/AB/810/2024 – Between: M. O. Kany Sons & Co. Ltd. Vs Shaka Obasi & Co. of Exhibit A of Statement of Claim in Suit No: A/286/2024 Between: Mrs Nanban Jacqueline Kanu (Sueing as next of friend of Nze Chukwuma Kanu) & 6 others dated the 3<sup>rd</sup> day of December, 2024 And M. O. Kanu Sons & Co. Ltd. as 1<sup>st</sup> Defendant and Chukwuemeka Kanu both of Claimant and Claimant Attorney in this Claim; Exhibit B of a Joint Statement of Defence of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants of Claimant and Claimant Attorney dated the 4<sup>th</sup> day of April, 2025 and filed the 8<sup>th</sup> Day of April 2025; Exhibit D dated the 31<sup>st</sup> day of January, 2024 of a Judgment in Suit No: A/67/2021 – Between Uche Kanu Vs Emeka Kanu/Claimant Attorney in this Claim.* This Court states that *Exhibits D and K* tendered in this Claim are a High Court Civil Suit in respect to issues of Title/Ownership of No. 44A Ngwa Road Aba, subject matter of this Claim for recovery of arrears of rent which reliefs 1 to 13 thereto are to the effect of Orders to restrain the 2<sup>nd</sup> Defendant/Claimant Attorney in this Claim to manage and or Administer the Estate of his Royal Majesty Maxwell Omeire Kanu which the Claimant/Company in this Claim is a part thereof. *Exhibit O* in this Claim

of (7) seven Counts of *Charge No: CR/56/2022* pending before a High Court of Federal Capital Territory Abuja Judicial Division Between: *C.O.P. Vs Chukwuemeka Kanu/Claimant Attorney* in this Claim. Also *Exhibits A and B* of Statement of Claim and Defence tendered in a brother Claim to this *Claim of SCC/AB/810/2024 Between: M. O. Kanu Sons & Co. Ltd. Vs Shaka Obasi & Co. of Suit No: A/286/2024 Between: Mrs Nanban J. Kanu (Sueing as the next of friend of Nze Chukwuma Kanu) & 6 Ors Vs M. O. Kanu Sons & Co. Ltd. as 1<sup>st</sup> Defendant and Chukwuemeka Kanu Esq of 2<sup>nd</sup> Defendant both of Claimant and Claimant Attorney in this Claim are pending Suits before High Courts in Aba Judicial Division and Federal Capital Territory of Civil and Criminal Litigations yet to be decided*, which this Court is of the view that the decisions of the Courts thereto would properly decide all the issues which bulge down to Title and or Ownership of the property known and called No. 44A Ngwa Road Aba subject matter of this Claim before this Court as to who is the right person or persons indeed whether the Claimant and Attorney as presented in this Claim are the proper or right parties to claim for arrears of rent in respect of the aforestated property subject matter of this Claim. This Court further states that considering these Suits pending aforestated on the issues of Title and Ownership of No. 44A Ngwa Road Aba against the Claimant/Company and the Claimant Attorney, this Court lacks the jurisdiction at this stage to rule one way or the other for any parties in this Claim as to who is entitled to recover rents to in respect of the aforestated property, subject matter of this Claim. Therefore, this Court states that this Claim is at most premature as the important issue of Title and or Ownership of the subject matter of this Claim for recovery of rents is an issue amongst other issues to be decided by a competent Court thereto of the High Courts wherein the Suits are pending and wherein the Claimant and the Attorney in this Claim have joined issues thereto. In that regard, Small Claims Court at this stage lacks the jurisdiction to grant, award cost of arrears of rent as claimed by the Claimant and by its Attorney. This Court further states that there is no Judgment before this Court still to the effect that the Claimant by its Attorney can claim any sum or cost in arrears of rent in respect to the property known and called No. 44A Ngwa Road Aba. *Exhibit D* tendered in the brother Claim of a Judgement of a High Court per Agwu Umah Kalu (J) does not in itself a Judgment granting the Claimant authority or powers to make Claims in regard to recovery of premise of No. 44A Ngwa Road Aba neither did it grant the Claimant Attorney any powers or authority as an individual to that effect. That

Judgment of *Exhibit D* was struck out on the basis or grounds of jurisdiction as such could not have decided on any issues or reliefs sought for or against parties thereto. In other words, *Exhibit D* did not decide on any issues or reliefs claimed or counter claimed. There was no jurisdictional pronouncement by *Exhibit D* so as to rely on same and make a Claim or Claims including recovery of arrears of rent as is presented in this Claim and other Brother Claims before this Court. In the circumstance, this Court directs that parties first of all sort the issues of Title/Ownership of the property known and called No. 44A Ngwa Road Aba before filing any Claims before this Court for recovery of arrears of rent of the property because there are pending Suits as in *Exhibit D, K, O*, tendered in this Claim and *Exhibits A and B* tendered in a brother Claim which would properly decide all issues perhaps once and for all of the issues of the proper party/persons to recover or collect rents of the property and who is and whether the Claimant/Company is still existing/operational and whether the Claimant Attorney is a Director of the Claimant or not and if not who is in relation to the issues to be decided by the said Suits. To that effect, this Court finally states that it lacks the jurisdiction to determine any issues between parties in regard to Claim before it to recover arrears of rent from tenants at the property known and called No. 44A Ngwa Road Aba. In the circumstance, the proper Order to make in line with Small Claims Court Rules and Procedure is to strike out this Claim and all the brother Claims in respect to the aforestated property, subject matter of this *Claim No: SCC/AB/808/2024 Between: M. O. Kanu Sons & Co. Ltd. Vs Mark Okorie be hereby struck out. Also Claims Nos: SCC/AB/806/2024 Between: M. O. Kanu Sons & Co. Ltd. Vs Shaka Obasi & Co.; SCC/AB/810/2024 Between: M. O. Kanu Sons & Co. Ltd. Vs Shaka Obasi & Co.; SCC/AB/834/2024 Between: M. O. Kanu Sons & Co. Ltd. Vs Shaka Obasi and all other Claims in the name of M. O. Kanu Sons & Co. Ltd.* wherein Judgments to that effect had been delivered by this Court, hereby struck out and the Judgments thereto set aside. There is no Order as to cost.

Meanwhile, the process of a High Court *Suit No: A/M/172/2025* in the matter of an *Application by Nze Chukwuma Kanu (By his next of friend Mrs Nanbam Kanu) AND HIS WORSHIP U. J. YOUNG-DANIEL ESQ* the presiding Magistrate of the Small Claims Court, sitting at the Small Claims Court Aba North, Aba Zone an Originating Motion on Notice for a Declaration of Court that it is improper for the Respondent to continue to hear

and determine Suits Nos: SCC/AB/808/2024 – M. O. Kanu Sons & Co. Ltd. Vs Mark Okorie and all other Claims filed before this Court in that respect. And an Order of prohibition restraining the Respondent from hearing all the Claims thereto filed before this Court and all other cases pending before the Small Claims Court. This Court states that the said Originating Process seeking for the aforestated declarations aforestated in respect to all the Claims before this Court dated the 5<sup>th</sup> Day of June, 2025 and filed same day is of no consequence to Small Claims Court Rules and Procedure and could not stop, prohibit or discontinue the Hearing of Matters or Claims aforestated before this Court as applied if this Court has or had the jurisdiction to hear and determine same. Therefore, the said Originating Motion on Notice is totally a procedure that cannot restrain a Small Claims Court Procedure except that if the Court had the jurisdiction to determine the said Claims one way or the other, same would have been concluded as was done and Orders made to that effect and the only remedy left for an aggrieved party to the Judgment Order of this Court would be to the effect of filing an Appeal to it to the Fast Track Appeal Court of the Small Claims Court, and not to file an Originating Process whether on Notice or not whatever it is, no other such proceedings stops the Hearing of Claims in Small Claims Court until the Claim is determined one way or the other. This Court further states that any such Process or Proceeding as filed by a Counsel in respect of this Claim and other Claims is a total waste of resources as same Court cannot be a deterrent to the full and or final determination in respect to Claims before a Small Claims Court, except the Proceeding before an Appeal Court of the Fast Track Court of Small Claims Court after Judgment. Therefore, this Court did not consider the said Originating Motion on Notice as of any effect to this Claim and Brother Claims, hence the Judgment of this Court afore considered.

*U. J. YOUNG-DANIEL (ESQ)*  
*CHIEF MAG. GRD 1.*  
*01/07/25.*



**NWANOSIKE PATRICK C.**  
*Head Registrar*  
*SCC Aba Zone*