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**IN THE MAGISTRATE COURT: DELTA STATE OF NIGERIA**  
**IN THE EFFURUN SMALL CLAIMS DISTRICT**  
**HOLDEN AT EFFURUN**

**BEFORE HIS WORSHIP T.R. EWHERIDO (MRS.) CHIEF MAGISTRATE GRADE I**  
**ON MONDAY THE 9TH DAY OF DECEMBER, 2024.**

**BETWEEN:**

**CLAIM NO: SCC/E/23/2024**

**GODFIRST FARMERS MULTI-PURPOSE  
CO-OPERATIVE SOCIETY LIMITED**

...

**PLAINTIFF**

**AND**

**SAMUEL TINA**

...

...

**DEFENDANT**

**JUDGMENT**

This is a Small Claims matter filed vide Form SCC2 and Form SCC3 dated 9<sup>th</sup> September, 2024. The Plaintiff seeks the sum of Two Hundred and One Thousand Naira (N201,000.00), being balance of loan sum owed the Plaintiff by the defendant.

2. The sum of One Million Naira (N1,000,000.00) being exemplary damages
3. The sum of Five Hundred Thousand Naira (N500,000.00) as cost of recovery of the loan sum.

On the 9<sup>th</sup> of October, 2024, Learned Counsel to the Plaintiff J.A. Otorudo informed this Honourable Court that the Defendant has proposed settlement but that he opted not to go to the Multidoor Court house, but to explore same within themselves.

On the 22<sup>nd</sup> of October, 2024, Plaintiff informed Court that parties have settled and are yet to file terms of settlement.

On the 11<sup>th</sup> of November, 2024, Plaintiff informed Court he did not hear from the Defendant. Hearing Notice was issued and served on the Defendant.

On the 20<sup>th</sup> of November, 2024, the Defendant was absent from Court despite proof of service of the Hearing Notice. Court proceeded on trial on the 20<sup>th</sup> of November, 2024.

PW1, Fejiro Egbegba the Secretary of the Plaintiff testified on the 20<sup>th</sup> of November, 2024. Her evidence briefly is that the Defendant is a member of the Cooperative and she took loan in 2021, and has not been servicing same as she was meant to. A demand notice was issued on her by their lawyer, upon their instruction.



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After service of the demand notice, the Defendant made payment of N30,000 (Thirty Thousand Naira).

Plaintiff tendered the following ~~as~~ document <sup>which was admitted</sup> as an Exhibit in this case.  
Exhibit A: Demand Notice dated 26<sup>th</sup> April, 2024.

At the close of Plaintiff's case, the Defendant failed to come to Court despite proof of service and issuance of Hearing Notice.

Failure of the Defendant to come to Court to defend his case, leaves the case of the Plaintiff unchallenged and uncontroverted. The law is settled that the Court still has the duty to access unchallenged and uncontroverted evidence, along with the Claim made in respect of which it was given and be satisfied of its credibility and sufficiency to sustain the claim.

See the case of **Archibong V. Utin (2012) LPELR 7907 C.A**

Furthermore, the law provides that documentary evidence is the best form of evidence. See **Eben & Anor V. Nseyen (2016) LPELR 40122 C.A.**

I have carefully assessed the document tendered herein and I hold that same are credible and have establish the Plaintiff's Claim.

Due to the unchallenged and uncontroverted evidence of the Plaintiff, he is said to have discharged the burden placed on him on the balance of probabilities and this Honourable Court is bond to rely on same. It is trite that when Plaintiff's evidence is uncontroverted the Court is bond to rely on it.

See **Iyeri Vs. Bendel Field and Flower Mills Ltd. (2008) Vo. 76 – 12 SCC P. 151.**

Furthermore, Plaintiff stated that the Defendant paid the sum of N30,000.00

(Thirty Thousand Naira) after this Suit was instituted.

In view of the unchallenged evidence of Plaintiff, I hereby enter Judgment in favour of the Plaintiff as follows:

1. I hereby Order the Defendant to pay to the Plaintiff the sum of N171,000 (One Hundred and Seventy One Thousand Naira) being the money owed the Plaintiff by the Defendant.
2. The sum of N100,000.00 (One Hundred Thousand Naira) being exemplary damages.

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3. The sum of N50,000.00 (Fifty Thousand Naira) as cost in this Suit.

Dated at Effurun, this 9<sup>TH</sup> day of December. 2025.



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**T.R. EWHERIDO (MRS.)**  
**CHIEF MAGISTRATE GD. I**

thousand N.

day of December

T.R. EWHERIDO  
CHIEF MAGISTRATE