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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/19/2024

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

...

PLAINTIFF

AND

IBUJE AGHOGHO

...

...

DEFENDANT

JUDGMENT

This is a Small Claims Suit filed vide Form SCC2 and Form SCC3 dated 9th September, 2024. The Plaintiff seeks the following (i) the sum of Four Million and Fifty Thousand Naira, being the loan sum given to the Defendant by the Plaintiff.

The sum of one million Naira as exemplary damages

Cost of Five Hundred Thousand as cost in this Suit.

In proof of his Claim thereof, the Plaintiff gave evidence through the administrative secretary Fejiro Egbegba and tendered the following documents admitted as Exhibit "A" – The Demand Notice dated 24th May, 2024.

The evidence of Plaintiff on the 20th of November, 2024, briefly, is as follows:

That the Plaintiff gave the Defendant a loan of four Million and Fifty Thousand Naira (N4,050,000.00) in the year 2020. The Defendant continued under paying the loan despite Exhibit A being served on him. After service of the Claim, he paid the sum of N200,000.00 (Two Hundred Thousand Naira).

At the close of Plaintiff's case the Defendant did not come to Court to defend his action despite proof of service as shown in the affidavit of service and proof of service of hearing Notice in the Court's file. The Defendant was foreclosed by this Court on the 11th of November, 2024 upon application of Learned Counsel to the Plaintiff.

Learned Counsel J.A. Otorudo addressed this Court on the 11th of November, 2024. Counsel submitted that in view of the unchallenged evidence of Plaintiff the Court ought to hold that the evidence is accepted and should be relied on.

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Counsel relied on **Nicon Vs. Power and Industrial Engineering Company Ltd. (1986) L.P.E.L.R. – 1965, P. 44 – 45 para e – a.**

The case of the Plaintiff is undefended. The Plaintiff is therefore said to have discharged the burden placed on him on the preponderance of evidence.

Be that as it may, as was decided in the case of **Agboneni V. Alakiu (2018) L.P.E.L.R. 44807 C.A.** The law remains that evidence even where unchallenged and uncontroverted, the Court has a duty to access the unchallenged evidence along with the Claim in respect of which it was given and to be this satisfied of its credibility and sufficiency to sustain the Claim.

In the instant case, Plaintiff tendered Exhibit A, which is the demand notice given to the defendant by Plaintiff.

It is a well known principle of law that documentary evidence is the best evidence of its contents. I refer to **Bureau of laws Kwara state & Anor. V. Alabi & Anor. (2018) LPELR 44487 C.A.**

In view of the unchallenged evidence of Plaintiff, I believe Plaintiff has proved his case and is entitled to Judgment. See **Aprofim Engineering Construction Ltd. V. Sidov Ltd. (2016) 13 NWLR (Pt. 996) P. 73 paras e-g.**

I hereby enter Judgment in favour of the Plaintiff as follows:

1. The Defendant is to pay the sum of N3,850,000.00 (Three Million, Eight Hundred and Fifty Thousand Naira).
2. The sum of N110,000.00 (One Hundred Thousand Naira) being exemplary damages.
3. Cost of N50,000.00 (Fifty Thousand Naira) as cost in this Suit.

This is the Judgment of this Honourable Court.

Dated at Effurun, thisday of December. 2025.


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