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IN THE CHIEF MAGISTRATE'S COURT OF DELTA STATE OF NIGERIA

IN THE SMALL CLAIM COURT

HOLDEN AT OLEH

BEFORE HIS WORSHIP O.M. OMONEMU (MRS.) CHIEF MAGISTRATE GRADE 1
(SPECIAL GRADE) ON WEDNESDAY THE 27TH DAY OF NOVEMBER, 2024

SUIT NO: SCC/OLEH/27/2024

MRS. CYNTHIAN ELO ODIOKO

*(Carrying on Business under the name of
Elo's Choice Investment)*

CLAIMANT

=AND=

1. MRS OGHENERO PRECIOUS MONEY

2. MRS. UFUOMA CYNTHIA OZERO

DEFENDANT

JUDGMENT

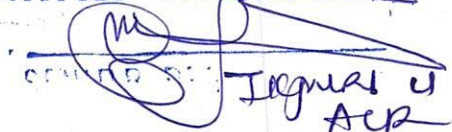
The Claimant's claim is filed on the 5/11/2024. The reliefs are as stated on the face of the claim. There is proof of service showing that the defendants were served with the court processes. Today is for plea/hearing. The defendant are not in court. Pursuant to Article 8(2) of the Practice Direction on Small Claims 2023, I shall proceed to hear the claim and enter judgment as far as the claimant can prove her case.

Claimant testifies on the 25/11/2024. Claimant said the 1st defendant approached her for a loan on the 20/4/2022. The loan sum was (₦150,000.00) one hundred and fifty thousand naira with interest rate of 15% rate monthly. Claimant said the first month, the 1st defendant paid (₦15,000.00) fifteen thousand naira. That from May 2022, it was agreed that an interest of 15% (₦22,000.00) be paid monthly. Claimant said the 2nd defendant was surty to the loan. That was a loan agreement. This was tendered as exhibit A. Claimant said, 1st defendant dropped her letter of appointment as collateral. This was tendered as exhibit B. Claimant said the 1st defendant paid (₦170,500.00) one hundred and seventy thousand, five hundred naira on the loan interest. That till date 1st defendant has refuse to pay the balance interest sum and principal loan sum. Claimant said she paid her lawyer to file the suit. The receipt was tendered as exhibit C. At the close of the day, these were the exhibit tender to wit:

- | | | |
|-------------------------------|---|-----------|
| 1. Loan Agreement | - | Exhibit A |
| 2. Letter if Appointment | - | Exhibit B |
| 3. Legal Practitioner Receipt | - | Exhibit C |

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ERTIFIED TRUE COPY


Signature of the Magistrate
ACR

I have gone through the oral and documentary evidence. A sole issue come up for determination. Whether the Claimant was able to prove its case on the preponderance of evidence led.

It is trite that the burden of proof in a suit lies on that person who would fail if no evidence at all were given on either side. The burden of proof shall be discharged on the balance of probabilities in all civil proceedings. I refer to Section 132 and Section 134 EVIDENCE ACT 2011 (As Amended 2023). Thus in all civil cases, the burden of first proving the existence or non-existence of a fact lies with the claimant. This he does on the preponderance of evidence led. The claimant outside her oral evidence tendered exhibit A, B, and C. These documentary evidence all go to show the loan transaction between the Claimant and the defendants. It also goes to show the expenses incurred by the claimant to file this suit. From the preponderance of evidence led, the claimant has shown to court why her reliefs sought should be granted.

COURT – It is hereby ordered that the defendants jointly and severally shall pay to the claimant the sum of (N150,000.00) One hundred and fifty thousand naira being the capital sum.

As regards the second relief, the calculation is wrong. Claimant did inform court in her evidence in chief that the month of April 2022, the defendants did pay the interest sum of N15,000.00. I see no reason why it was still made part of the money owed.

For relief two, it is hereby ordered that the defendant jointly and severally shall pay to the claimant the sum of (N418,000.00) four hundred and eighteen thousand naira monthly interest for 29 months “from May, 2022 to September 2024.


It is further ordered that the defendants shall jointly and severally pay to the claimant the sum of (N22,000.00) twenty-two thousand naira being monthly interest with effect from October, 2024 until judgment is delivered.

It is also ordered that the defendants jointly and severally shall pay to the claimant the sum of (N200,000.00) two hundred thousand naira as cost for litigation.

It is also ordered that the defendants jointly and severally are given two months to comply with the terms of judgment.

ERTIFIED TRUE COPY

 SENIOR REGISTRAR
 Signature 4
 ACR


O.M. Omonemu (Mrs.)
 C.M 1 (Special Grade)
 27/11/2024