

HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
 SMALL CLAIMS COURT EXECUTION REPORT  
 FOR THE MONTH OF MARCH 2024

COURT NO 11 WUSE ZONE 6 MAGISTRAL DISTRICT

NAME OF SHERIFF	SUIT NO. AND PARTIES	DATE OF JUDGMENT	DATE OF EXECUTION	DURATION FROM JUDGMENT TO EXECUTION	STATUS OF JUDGMENTS NOT EXECUTED  (WHETHER ON APPEAL OR PARTIES HAVE SETTLED)
ONWUASOANYA VIVIAN .C.	SCC/07/2024 CHIGBOOBIAKOR AND MR IKEGWOKHA CHINEDU IFEANYI	25/3/24	PENDING	PENDING EXECUTION	SETTLED
ONWUASOANYA VIVIAN .C.	SCC/08/2024 EVAN OYAKU AND BALA SANI	08/04/24	PENDING	PENDING EXECUTION	SETTLED

COURT II  
AT WUSE ZONE 6.  
BEFORE HIS WORSHIP CHIOMA. A

DATED: 25<sup>TH</sup> MARCH, 2024

SC/07/24

BETWEEN

CHIGBO OBIAKOR

AND

MR IKEGWOKA CHINEDU IFEANYI

CLAIMANT

DEFENDANT

### JUGDMENT

Appearances:

Chigbo obiakor Esq appeared in person

Defendant is absent and unrepresented

The claimant by compliant forms SCA2 and SCA3 claims against the defendant as follows';

1. The sum of one million (N1,000,000,00) only being the outstanding debt payable to the claimant by the defendant debt owed since 2018
2. 20% interest from the date of judgment until liquidated

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NAME Onyiahonye Vivian

SIGN. *[Signature]*

DATE 28/4/24



3. N 3,000.00 (third thousand naira) only being the cost of this suit
4. And for further order(s) as this honourable court may deem fit to make in the circumstance.

The defendant upon receipt of originating processes filed a counter affidavit in defence in opposition,

The claimant represented himself while the defendant was represented by Mose omo-Odivwri Esq, trail commenced on the 29<sup>th</sup> February, 2024 Chigbo Obiakor esq testified by himself as cw1, he as well sought the leave of the court to adopt his witness statement on oath as his evidence in chief, cw1 at paragraph three, states that sometime in July 2018 the defendant visited his office and pleaded for a cash assistant of N 1,000,000.00 ( one million ) naira to enable him pay a hospital bill of his mother in -law which the cw1 obliged him the said amount, cw1 further states that the defendant upon agreed to pay back in a month's time when cw1 made the said payment in which the defendant issued a post-dated cheque to the cw1. Cw1 finally stated that on the due for the cheque to be lodge it failed due to insufficient fund in the defendant's account that effort made by cw1 both through WhatsApp conversation , text message and calls to recover the money from the defendant yielded no fruit.

Certain documents were admitted as exhibits

1. Cash receipt of the sum of N 300,000.00 -Exhibit C1 dated 11/1/24
2. Fidelity bank cheque of 1.200.000.00 dated 6/8/2018– Exhibit C2
3. Demand letter dated 8/01/24 – Exhibit C3
4. Certificate of service dated 8/01/24 – Exhibit C4
5. WhatsApp conversation between the parties of 16 paragraphs – Exhibit C5
6. letter of compliance with section 84 of the evidence Act 2011 date Exhibit C6.

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NAME: Dunwasaanya Niviam

SIGN: [Signature]

DATE: 23/4/24





There was no objection by the defendant's counsel, during cross examination CW1 confirmed that he gave the defendant the sum of one million that the said sum was not given based on legal relationship, rather an assistance for a medical bill of defendant's mother in-law abroad, further CW1 confirmed that he knew the defendant through the principal in the law firm of Ivory Chambers

Claimant then closed his case and the case set down for defence at defence, DW1 who is the defendant in this case testified on oath and stated that the money he received from the claimant was a premium to be recovered from a sale of the property and not as loan of which the owner of the property sold and refused to pay the defendant his own percentage, the defendant further informed the court that he paid the claimant the sum of N 200,000,00 to reduce the sum received from the claimant, he finally states that he is not aware that the post-dated cheque issued by him to the claimant was dishonoured at the bank.

Claimant cross examined the defendant, it was confirmed by the defendant that he had paid the sum of N 200,000,00 out of N 1,000,000,00 received from the claimant leaving a balance of N 800,000.00

At the close of trial both parties filed final written addresses.

Now having heard both parties in this suit the sole issue to decide upon is whether the claimant is entitled to as claimed,

The crux of the matter before the court is that the claimant sued the defendant for a recover debt of one million naira, whether the said sum was for an assistance or by premium emanating from a sale of property is immaterial in the instant case, the defendant having admitted through exhibit C2 which is fidelity bank cheque dated 6/8/2018 issued by the defendant and Exhibit C2,16 copies of WhatsApp conversation between the parties in which the defendant never denied receiving the said sum claimed in the instant suit, the

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... by the defendant at trial that the defendant is  
in denial of the fact in issue, see the case TREASURE MUCK LTD  
V GOVERNOR OF ANAMBRA STATE & ANOR (2019) 48  
359 CA, it well established principle of law that facts admitted needs  
no further proof. This principle was expound in DIN V. AFRICAN  
NEWSPAPER OF NIG LTD 1990 3 NWLR PT 139 TO 392 Karibiwhyte JCS  
held thus "Resort could be had to the elementary rule of pleading  
that what has been admitted needs no further proof" it was further  
reiterated in OLAIYA V. STATE(2017) LPELR - 43714 SC Per Eko J. S.C  
thus "that fact admitted and facts not disputed need no further  
proof and or established similarly Ariwoola JSC states thus " it is trite  
Law and fully settled that whatever facts is admitted needs no  
further proof"

Base on the above and totality of evidence before me, it's been  
established that the claimant evidence is cogent, credible and  
reliable to sustain his claim. This I so hold.

The defendant here by ordered as follows;

1. The sum of one million ( N8,000,000,00 ) only being the balance  
of outstanding debt owed the claimant by the defendant since  
2018
2. N 200 000 only as a cost.

Judgment is entered.

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NAME Onu Masocha Vivian

SIGN. [Signature]

DATE 23/4/24