

**IN THE MAGISTRATE COURT OF FCT
HOLDEN AT SMALL CLAIMS COURT
COURT NO. 1 LIFE CAMP
TODAY MONDAY THE 11TH DAY OF SEPTEMBER, 2023
BEFORE HIS WORSHIP: IBRAHIM VERA ENEABO**

SUIT NO. CV/LFC/SCA/01/2023

BETWEEN:-

CHRISTIAN CHUKWUEMEKA ATUNE ----- CLAIMANT
PRESENT AND SPEAKS ENGLISH

AND

ORIYOMI PATRICK ----- DEFENDANT
PRESENT AND SPEAKS ENGLISH

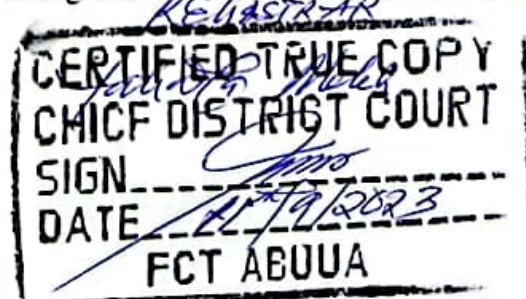
JUDGMENT

The Claimant claimed via form SCA² and form SCA³ dated the 14th day of August, 2023 against the Defendant as follows:

- A. The sum of ₦592,000 (Five Hundred and Ninety Two Thousand Naira) being the mesne profit for use of the property from 7th day of April, 2023 to the 8th day of June, 2023.
- B. The sum of ₦1,000,000 (One Million Naira) only being default fees owed to the Claimant.
- C. 10% post Judgment interest calculated from the date Judgment is delivered to the date the Judgment sum is liquated.
- D. The sum of ₦250,000 (Two Hundred and Fifty Thousand Naira) only being the cost of the suit.

The Defendant was served with originating process by Mr. Abdulrasheed Bello a staff of this Honourable Court who disposed to an affidavit of same dated the 4th day of August, 2023.

The Defendant initially filed a defence to the Claimants claims and also counter claimed for the refundable sum of ₦300,000 (Three Hundred Thousand Naira) which Defendant allegedly paid as caution fees to the Claimant in addition to the rent ₦3,500,000 (Three Million, Five Hundred Thousand Naira only). The Claimant put the Defendant on notice to produce proof of payment of the said caution fee allegedly paid. When the matter came up for hearing on the 11th September, 2023 the Defendant informed the Court that he is abandoning the counter claim as he has no



proof of same and admitted owing the Claimants claim for mesne profit i.e. the sum of ₦592,000 (Five Hundred and Ninety Two Thousand Naira) but only contesting the Claimants claims as regards default fees, interest and cost only. Thereafter the Claimant opted to waive his claims for default fees, interest and cost and urged the Court to enter Judgment in his favour as per the admitted claim.

It is trite that facts which are admitted need no further proof as the same would be deemed established. See **AGBANEBO .V. UBN LIMITED (2000) 7 NWLR (PT 666) 534 at 549.**

In view of the Defendant's admission it is hereby ordered that the sum of ₦592,000 (Five Hundred and Ninety Two Thousand Naira only) be paid by the Defendant to the Claimant.

I make no order as to interest or cost as same had been waived by the Claimant.

Dated this 11th day of September, 2023

Signed

11/9/2023

APPEARANCES

CHIJOKE ATUNE ----- For Claimant

O.A. OLO (MISS) ----- For Defendant

