

IN THE CHIEF MAGISTRATE COURT V KOGI STATE OF NIGERIA
IN THE KOGI STATE MAGISTERIAL DISTRICT
HOLDEN AT SMALL CLAIMS COURT, LOKOJA
THIS FRIDAY 28TH JUNE, 2024

SUIT NO:- CMCL/CV17/2024

BEFORE HIS WORSHIP:

HON. U. ODIBA - SMALL CLAIMS JUDGE

BETWEEN:

MRS. AJAYE ROSELINE - APPLICANT

AND

MR. ABDUL-MUMINI - RESPONDENT

CAUSE OF ACTION: WHEREOF; THE PLAINTIFF CLAIMS
AGAINST THE DEFENDANT AS FOLLOWS:

- A. RECOVERY OF POSSESSION OF THE SINGLE ROOM APARTMENT WHICH IS SITUATE AT OPPOSITE OKADA PARK, ZANGO, LOKOJA, KOGI STATE.
- B. RENT ARREARS FROM EXPIRATION TILL POSSESSION IS DELIVERED.
- C. THE COST OF FILING THIS SUIT ASSESSED AT ₦10,000.00 (TEN THOUSAND NAIRA).

JUDGMENT

The plaintiff claims against the defendant:

- Recovery of possession of the single room apartment which is situate at Opposite Okada Park, Zango, Lokoja, Kogi State.
- Rent arrears from expiration till possession is delivered.
- And cost of filing this suit assessed at ₦10,000.00 (Ten Thousand Naira).

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The defendant denied liability initially but during his case before the Court he admitted that his rent expired on April, 15th 2024 which the plaintiff disputed as ending in February, 2024.

The defendant, however, pleaded for 3 months to vacate the premises but the plaintiff insisted that she will not give him more time.

The plaintiff, who is an aged person wants the defendant, Mr. Abdul-Mumini to vacate his house stating the reason that she want to convert the apartment to a school.

Having listened to the evidence of the plaintiff and the defendant, the Court concludes that the issue for determination is whether the plaintiff's claims should be granted considering the fact that she has followed all the procedure required by law.

In determining this, the court analysed the evidence before it and found out that the defendant has been issued with a Quit Notice since November, 2023 and that suffices as Form 'C'.

Form 'D' which is the Notice to tenant of Owner's Intention to Apply to Court for Recovery of Possession was also served on the defendant via substituted service sometimes in April, 2024 while the plaint and Court summons which are Form 'E' and 'F' were served on the defendant on 9th May, 2024.

This shows that the plaintiff has served all the statutory notices required by law.

The Court, in examining the defendant's evidence observed that he did not object to the claims of the plaintiff but asked for time to settle with her or move out of the premises which the Court obliged and gave an adjournment.

Howbeit, the plaintiff is in Court today and she said that there is no settlement whatsoever and the defendant is still in the premises.

This Court is a Court of Justice and has observed that the defendant is using the ploy of delay to stay in the premises that he ought to have vacated since April, 2024.

In as much as this date of expiration of the rent of the defendant is in doubt, this Court gives him the benefit of doubt and adopts same as 15th April, 2024 as against the February postulated by the plaintiff to have been the date of expiration of rent.

This Court is convinced with the plaintiff's assertion that she has given the defendant enough time to vacate the premises and orders as follows:

- The plaintiff should be given possession of the single bedroom apartment situate at Opposite Okada Park Zango, Lokoja, Kogi State by the defendant on or before the end of June, 2024.

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- The arrears of rent since expiration and cost of filing this suit are waived by the plaintiff.

Plaintiff's suit succeeds

Order 19 Rule 6 of the Kogi State Magistrates Courts Rules, 2021.

This judgment is dated 28th June, 2024.

SIGNED
U. ODIBA
SMALL CLAIMS JUDGE
28/06/2024

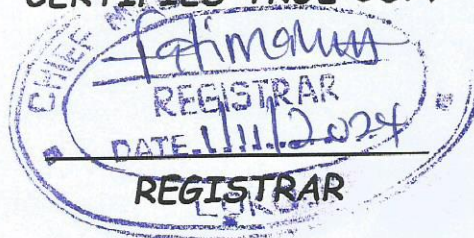
RIGHT OF APPEAL

There is right of appeal against this judgment within 30 days from today.

See Section 69 (1) of the Kogi State Magistrates Courts Law, 2020.

SIGNED
U. ODIBA
SMALL CLAIMS JUDGE
28/06/2024

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Abdulsalam fatimata
Umar.

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