

THE SMALL CALAIMS COURT OF NIGERIA
IN THE SMALL CLAIMS COURT OF BENUE STATE
IN THE SMALL CLAIMS COURT
HOLDEN AT MAKURDI

SUIT NO. SCC/06^{C1}/2026

BETWEEN:

JOSEPH TERFA AUDU

LUSHAN VENTURE'S LTD

VS

VICTOR NAIRADEFENDANT

}**CLAIMANTS**

JUDGMENT

The claimant, Joseph Terfa Audu Audutrody under the name and style of Lushan Ventures Limited supplied Victor Naira, the defendant the following malt beverages:

I]. Goldberg 2 cartons at N 9, 500.00 (Nine Thousand Five Hundred Naira) for a carton

II]. Life, 2 cartons at N9, 500.00 (Nine Thousand Five Hundred) for a carton.

III]. Tiger, 1 Carton at N15, 000.00 (Fifteen Thousand Naira) for a carton.

In which sums to N53, 000.00 (Fifty Three Thousand Naira). Since 3rd October, 2025 that the supply was made the defendant has refused to pay for same. The defendant only paid for his old bill which was N120, 000.00 (One Hundred and Twenty Thousand Naira).

It is the further *viva voce* testimony of the claimant that his business has suffered tremendously. He urged the court to consider his plight and grant his claim of N53, 000.00 (Fifty Three Thousand Naira) and general damages of N250, 000.00 (Two Hundred and Fifty Thousand Naira)

Though Form SCA 1 exhibits that the demand is N50, 000.00 (Fifty Thousand Naira) however EXHIBIT A which is the invoice issued to the defendant is in the sum of N53, 000.00 (Fifty Three Thousand Naira). Form SCA1 was issued by the Registrar of the Small Claims Court. The mistake is not on the claimant in this case, the court shall not visit this mistake on the claimants.

The Law is trait that documentary evidence speaks for itself. I refer to the case of UTTOV V. UTTOV [2022] LPERL, 577 29 (A). Also it is the duty of the court to substantiate justice in a case. Also, in the award of damages the courts are endowed with an unfettered discretion to keep up with the times and economic trend in the country and most especially with prevailing fluctuating and rather obvious decline in the purchasing power of the Nigerian Currency. It is not in dispute that the malt beverages were supplied since 3rd October, 2025 which is over 6 months ago. The said sum which inclusive of the claimants' capital. The capital of the claimant was frozen causing him tremendous loss. In the words of the claimant he testified thus:

I supplied the drinks since 3rd October, 2025 and the defendant is yet to pay for it. This has greatly affected my business. I plead the court to help me recover my money.

Bearing in mind that where there is unchallenged and uncontroverted evidence, the court has a duty to act on it. I refer to the case of OKORO V.OBADIARU (2025) LPELR – 810 25 (LA) PP. 19-20 paras F-I.

On the whole the case of the claimant succeeds.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The defendant shall pay the claimant the sum of N53, 000.00 (Fifty Three Thousand Naira) being the sum that the defendant is indebted to the claimant. In addition the sum of N100, 000.00 (One Hundred Thousand Naira) as general damages. For avoidance of doubt the defendant shall pay the sum of N153, 000.00 (One Hundred and Fifty Three Thousand Naira) to the claimant.

COURT: RIGHT OF APPEAL EXPLAINED

D.R. ALASHI ESQ.

SDJ

14.5.2026

DATE: 14.5.2025

CORAM: **D.R. ALASHI SDJ1**

CLAIMANT: PRESENT

DEFENDANT: ABSENT

COURT: Judgment read in the open Court to this 14th May, 2026.

EXHIBITS SHALL BE RETURNED TO THE CLAIMANT IF THERE IS NO
APPEAL.

RIGH OF APPEAL EXPLAINED

D.R. ALASHI.

SDJ1

14.5.2026