

THE SMALL CLAIMS COURT OF NIGERIA
IN THE SMALL CLAIMS COURT OF BENUE STATE
IN THE SMALL CLAIMS COURT 3
HOLDEN AT MAKURDI
SUIT NO. SCC3/87/2025

BETWEEN:

- 1. HON. CLEMENT ASUE**
- 2. HON. DENNIS AGAV**
- 3. AKAHA GOGO**
- 4. ABRAHAM NYIKWAGH**
- 5. EMMANUEL ASEN**
- 6. PHILIP IJEYOL**
- 7. ROBERT AKUNDE**
- 8. IORLOAM UZO**

AND

- 1. KONSHISHA LOCAL GOVERNMENT**
- 2. BUREAU FOR LOCAL GOVERNMENT AND CHIEFTANCY AFFAIRS**

JUDGMENT

The claimants jointly and severally claims against the defendants as follows:

- a]. The sum of **FOUR MILLION FIVE HUNDRED THOUSAND NAIRA (₦ 4,500,000.00)**
- b]. The cost of this suit.
- c]. Counsel's professional charges to the tune of **FIVE HUNDRED THOUSAND (₦ 500,000.00)** Naira only.

Both claimants are past elected Council members of Konshisha Local Government while the 1st defendant is a creation of the Federal republic of Nigeria 1999 (as amended) and the third arm of Government whereas the second defendant is a regulatory agency establishing laws of Benue State.

It is a grouse of the claimants despite that both parties consider to settle out of Court by entering into the terms of settlement which was further re-

negotiated by the parties. The defendant paid the sum of **TWO MILLION NAIRA (₦ 2,000,000.00)** in four (4) instalments leaving an outstanding balance of **FOUR MILLION FIVE HUNDRED THOUSAND NAIRA (₦ 4,500,000.00)**.

Before the court is a letter emanating from the law firm of the Counsel to the Claimants requesting for the balance of **FOUR MILLION NAIRA (₦ 4,000,000.00)** which was addressed to the Honourable Special Adviser, Bureau for Local Government and Chieftaincy Affairs instead of **FOUR MILLION FIVE HUNDRED THOUSAND NAIRA (₦ 4,500,000.00)** as contained in the civil plaint.

It is settled law that oral evidence cannot contradict the content of documentary evidence. I refer and rely on the case of **UTTOV V. UTTOV [2022] LPELR-57729 (CA)** furthermore documentary evidence speaks for itself. Consequently, the Court shall rely on the letter for payment of outstanding balance of **FOUR MILLION NAIRA (₦, 4,000,000.00)** instead of **FOUR MILLION FIVE HUNDRED THOUSAND (₦ 4,500,000.00)** Naira.

Since Small Claims Court is specifically for unliquidated money demand excluding interest and will see Article II.(1) Benue State Practice Directions for Small Claims Court, 2023. Judgment is hereby entered in favour of the Claimants in the sum of **FOUR MILLION (₦ 4,000,000.00) NAIRA** against the defendants. All other sundry claims are accordingly dismissed.

DAMKWA REGINA ALASHI ESQ.

SENIOR DISTRICT JUDGE

SMALL CLAIMS COURT 3

4.12.2025.

DATE: 4.12.2025

CORAM: SAME

CLAIMANTS: ALL ABSENT

DEFENDANTS: ALL ABSENT

O.N. AYIA ESQ FOR CLAIMANTS.

COURT: JUDGMENT READ IN OPEN COURT THIS 4TH DECEMBER, 2025.

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

RIGHT OF APPEAL EXPLANED.

D.R. ALASHI

S.D.J

4TH December, 2025