

THE SMALL CALAIMS COURT OF NIGERIA
IN THE SMALL CLAIMS COURT OF BENUE STATE
IN THE SMALL CLAIMS COURT 3
HOLDEN AT MAKURDI

SUIT NO. SCC3/21/2025

BETWEEN:

HON. AMO II ALBERTSON A.....CLAIMANT

VS

LOGO LOCAL GOVERNMENT COUNCIL.....DEFENDANT

JUDGMENT

The claimant claims vide paragraph 21 of the particulars of claim dated and filed on the 29th May, 2025 thus

21 WHEREOF, the claimant is aggrieved and hereby claims against the defendant as follows:

- a) A DECLARATION by the Honourable Court that the claimant is entitled to his unpaid debt by the defendant.
- b) AN ORDER of the Honourable Court directing the defendant to pay the claimant forthwith the sum of **EIGHT MILLION, SIX HUNDRED AND FIFTY-SIX THOUSAND NAIRA (N8, 656,000.00)** ONLY being his lawful unpaid debt owed him by the defendant.
- c) AN ORDER of this Honourable Court directing the defendant to pay the claimant Ten percent (10%) post judgment interest as delivered and thereafter until the judgment sum is fully liquidated.
- d) AN ORDER of this Honourable Court directing the defendant to pay the claimant the sum of **N3, 000,000.00 (THREE MILLION NAIRA) ONLY** as general damages.
- e) ANY OTHER ORDER OR FURTHER ORDER(S) the Honourable Court may deem it proper to make in the circumstances of this case.

Learned Counsel to the claimant ISAAC FULANI ESQ sought to tender the following documents in evidence.

- I. Voucher with sub-head 13/2020 dated 05/06/2024 for payment of special imprest which was approved for the Open Defecation Free in Ugba on 3rd September, 2019 in the sum of **THREE HUNDRED AND FIFTY-FIVE THOUSAND NAIRA (N355,000.00)**
- II. Voucher to enable the claimant service security meeting of defendant hold on 14/11/2019 in Ugba in the sum of **Three Hundred Thousand Naira (N300, 000.00).**
- III. Payment voucher in the sum of **TWO HUNDRED AND FIFTEEN THOUSAND NAIRA (N215, 000.00)** for the expenses incurred at the thanksgiving Mass organized by St. Stephen's Quasi Parish Gbajir on the 29th September, 2019.
- IV. Payment voucher with sub-head 09/2020 dated 20/05/2024 for the thanksgiving service of Honourable Mlumun Paul on the 6th October, 2019 at Holy Ghost Church, Makurdi in the sum of **TWO HUNDRED AND FIFTEEN THOUSAND NAIRA (N215,000.00)**
- V. Voucher for the expenses incurred at the burial of Mama Sarah Adobo on the 6th September, 2019 in the sum of **TWO HUNDRED AND FIFTEEN THOUSAND NAIRA (N215,000.00)**
- VI. Payment voucher with sub-head 09/2020 dated 20/05/2024 for the expenses incurred at the stakeholders Forum of Benue State in the sum of **TWO HUNDRED THOUSAND NAIRA (N200,000.00)**
- VII. Payment voucher for the sum of **ONE HUNDRED AND THREE THOUSAND NAIRA (N103, 000.00)** for the expenses incurred at one day workshop in Makurdi.
- VIII. A renewed payment voucher with sub-head 09/2020 dated 20th May, 2024 in the sum of **N100, 000.00 (ONE HUNDRED THOUSAND NAIRA)** for payment of debt incurred at Late Mama MBADUUN NOM KPAGHER.
- IX. Payment voucher with sub-head 09/2020 dated 20th May, 2024 for the purpose of Musical Instrument for celebration of Trophy of Boys Brigade at N.K.S.T. Tyogbihi on the 25/8/2019 in the sum of **ONE HUNDRED THOUSAND NAIRA (N100,000.00)**
- X. Renewed payment voucher expenses incurred at burial of Late Rachael Usongo Hambe at Mbagbe Council Ward, Local Government in the sum of **ONE HUNDRED THOUSAND NAIRA (N100, 000.00)** amongst others, however it is pertinent to juxtapose part of the preamble of the Practice

Directions for Small Claims Court 2023 and the reliefs sought by the claimant. I shall reduce the 1st paragraph of the PDSCC 2023 which provides.

By reason of the increase in commercial activities, the challenges of urbanization, harsh economic environment with the attendant inflation which has led to an increase in commercial litigations, there is a corresponding need for better justice and speedy trial and the ease of doing business and investments in Benue State. The above wordings of the Practice Directions for Small Claims Court 2023 clearly point to the fact that the cases filed in this court shall be limited to commercial or contract matters. The documents sought to be tendered range from expenses incurred at Thanksgiving mass, payment of special impost for open defecation, expenses incurred during burial amongst others which are not commercial or contractual in nature.

It was held in the case of **B.B. APUGO & SONS V. OHMB [2016] LPELR – 40598 (SC)** that the plaintiff's claim as endorsed on the writ of summons and statement of claim that would be considered by the Court.

Bearing in mind that the issue of jurisdiction is no doubt fundamental to any adjudication. It is a threshold matter which goes to the competence of the court to hear and determine a suit. Where the court lacks jurisdiction the entire proceeding, no matter how well conducted would amount to nullity. Having considered the particulars of the claim it is evident that this court lacks jurisdiction to entertain same. Consequently, the case registered as **Suit. No. SCC3/21/2025** between Honourable **Amo II Albertson A. and Logo Local Government Council** is hereby dismissed.

RIGHT OF APPEAL EXPLAINED.

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

D.R. ALASHI
SDJ
16.6.2025.

DATE: 16.6.2025

CORAM: SAME

CLAIMANT: ABSENT

DEFENDANT: ABSENT

ISAAC FULANI ESQ for claimant.

COURT: Judgment read in open court this 17th June, 2025.

EXHIBIT SHALL BE RETURNED TO THE CLAIMANT IF THERE IS NO APPEAL

RIGHT OF APPEAL EXPLAINED.

D.R. ALASHI
SDJ
17.6.2025.