

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
F.C.T SMALL CLAIMS COURT

HOLDEN AT COURT 13(A) WUSE ZONE 2 ABUJA
BEFORE YOUR WORSHIP: ARIWOOLA, OLUWAKEMI V,
DATED THIS THE 22ND DAY OF NOVEMBER, 2023.

SUIT NO: SCC/03/2023

BETWEEN:

STERLING BANK PLC.....CLAIMANT

AND

NTISHOR OGBAJI.....DEFENDANT

RECORD OF PROCEEDING/JUDGMENT

The Claimant's claim before the Court is the claim for the sum of **₦681, 229.82k (Six Hundred and Eighty-One Thousand, Two hundred and Twenty-Nine Naira, Eighty-Two Kobo) only.**

COURT: Appearances.

OLUCHI OBETA for the Claimant.

Defendant is not in Court and unrepresented.

CLAIMANT COUNSEL: Matter is slated for Hearing, and we are ready to move our application.

CLAIMANT COUNSEL: We have an application for Undefended Claims, is brought under **Article 3** of the Practice Direction on Small Claims 2022. We have filed our **Form SCA 3A**, supported by 7 paragraphs affidavit in **SCA 3B**, deposed to by the representative of the Claimant. We adopt all the paragraphs in the affidavit. It is trite that the Undefended procedure is to enable sums of money from the Defendant where the said Defendant has no Defence. In view of this, we urge Your Worship to enter judgment in favour of the Claimant in line with **Article 9** paragraph **2** of the Practice Direction on Small Claims Court 2022. This is our humble submission.

JUDGMENT

After a careful perusal of the Form SCA 2, the Demand Notice as well as the Form SCA 3B, it is clear that this matter was undefended and the Defendant was duly served with the Processes of this Court. This Suit was initiated under Article 3 of the District Court Act Practice Direction on Small Claims 2022 and the Claimant issued Forms SCA 3A against the Defendant and same was served via substituted service on the 17th day of November, 2023 and the 20th day of November, 2023, and going by Article 7(2) of the Practice Direction on Small Claims 2022, the Defendant is expected to have within 7days of service on him of Form SCA 3A filed a response Form SCA 3B, to the claim of the Claimant.

The position of the law is that where averments contained in an affidavit is not challenged by way of Counter Affidavit or Reply Affidavit as in the instance case, such averments are deemed admitted by the adverse Party. In this present Suit of liquidated money demands sum, the

Defendant have failed to respond within the stipulated time prescribed by the Practice Direction. And this Court having been duly satisfied that the Claimant has demanded for the sum of **₦681, 229.82k (Six Hundred and Eighty-One Thousand, Two hundred and Twenty-Nine Naira, Eighty-Two Kobo) only**, from the Defendant as contained in the affidavit in support of Form SCA 3A, and that the Defendant has been duly served with all the Processes of this Court but has failed to any response to same, I find merit in the averments of the Claimant. Consequently, the claim for the sum of **₦681, 229.82k (Six Hundred and Eighty-One Thousand, Two hundred and Twenty-Nine Naira, Eighty-Two Kobo) only** hereby succeeds and the Defendant is hereby ordered to immediately pay to the Claimant the sum of **₦681, 229.82k (Six Hundred and Eighty-One Thousand, Two hundred and Twenty-Nine Naira, Eighty-Two Kobo) only**, being the debt owed.

SIGNED:
ARIWOOLA, OLUWAKEMI V.
DISTRICT JUDGE
DATE: 22/11/2023.