

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 17<sup>TH</sup> DAY OF NOVEMBER, 2023.

SUIT NO: SCC/07/2023

BETWEEN:

STERLING BANK PLC.....CLAIMANT

AND

MOHAMMED DANTANI.....DEFENDANT

**RECORD OF PROCEEDING/JUDGMENT**

The Claimant's claim before the Court is the claim for the sum of **₦765, 936.02K (Seven Hundred and Sixty-Five Thousand, Nine Hundred and Thirty-Six Naira. Two Kobo) only.**

**COURT:** Appearances.

OLUCHI OBETA for the Claimant.

Defendant is not in Court and unrepresented.

**CLAIMANT COUNSEL:** Matter is for Hearing. We have our application for Undefended Claims is brought under **Article 3(1) and (2)** and **Form SCA C3A, SCA 3B** of Practice Directions on Small Claims 2022. We have filed Form SCA 3A, supported by seven paragraphs affidavit

<b>HIGH COURT OF JUSTICE CERTIFIED TRUE COPY</b>	
NAME.....	<i>OLUCHI OBETA</i>
DATE.....	<i>21-11-2023</i>
SIGN.....	<i>[Signature]</i>
CODE.....	<i>123456789</i>

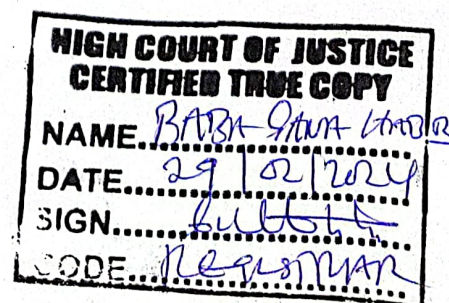


in SCA 3A, deposed to by Mathew Kanu a Litigation Secretary in the Law firm of the Counsel to the Claimant. This Suit is undefended and it is trite that under undefended procedure, it is designed and adopted for speedy recovery of liquidated money demand, particularly where it is clear to the Court that the Defendant has no defence on the merit for the claim of the Claimant as per the endorsement on our claims and in line with **Article 9 (2)** of the District Court Acts Practice Directions on Small Claims Court 2022, this our humble application.

### **RULING**

This matter was initiated under **Article 3** of the District Court Acts Practice Directions on Small Claims Court 2022 and where the Claimant took out **Form SCA 3A** for undefended claims, same was served on the Defendant on the 7<sup>th</sup> day of November, 2023. Going by **Article 7(2)**, the Defendant is expected to within 7 days of service of **Form SCA 3A** file his response **Form SCA 3B** to the said claim of the Claimant.

The position of the law is that, where averments contained in an affidavit are not challenged or denied by way of Counter Affidavit or Reply Affidavit as the case may be, such averments are deemed admitted by the such adverse Party. In this presence circumstances of his Case of liquidated money demand sum, the Defendant have failed to respond within the stipulated time and has failed to comply with the practice and procedure of the Small Claims Court 2022.



Flowing from the above, this Court is satisfied that the Claimant has demanded for the sum of **₦765, 936.02K (Seven Hundred and Sixty-Five Thousand, Nine Hundred and Thirty-Six Naira. Two Kobo) only** from the Defendant as contained in Exhibit attached that is the Demand Notice dated 10<sup>th</sup> day October, 2023 and referred to in paragraph six of the affidavit in support of the application for Undefended Claims (Form SCA 3A) and that the Defendant was duly served with all the Processes of this Court but failed and neglected to respond same.

In all, I find merit in the averments of the Claimant, consequently, the claim for the sum of **₦765, 936.02K (Seven Hundred and Sixty-Five Thousand, Nine Hundred and Thirty-Six Naira. Two Kobo) only** hereby succeeds and the Defendant is hereby ordered to immediately pay to the Claimant the sum of **₦765, 936.02K (Seven Hundred and Sixty-Five Thousand, Nine Hundred and Thirty-Six Naira. Two Kobo) only** being the debt owed.

This is the Judgment of the Court.

**SIGNED:**  
**ARIWOOLA, OLUWAKEMI V.**  
**DISTRICT JUDGE**  
**DATE: 17/11/2023.**

<b>HIGH COURT OF JUSTICE CERTIFIED TRUE COPY</b>	
NAME.....	BABA GAWA HABIB
DATE.....	29/10/2024
SIGN.....	[Signature]
CODE.....	REGISTRAR