

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/06/2023

**BETWEEN:**

**STERLING BANK PLC.....CLAIMANT**

**AND**

**SARAH UBURU.....DEFENDANT**

**RECORD OF PROCEEDING/JUDGMENT**

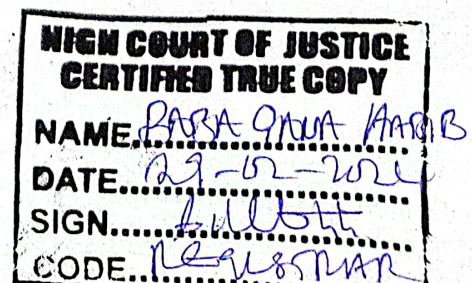
The Claimant's claim before the Court is the claim for the sum of **₦760, 288.49k (Seven Hundred and Sixty Thousand, Two Hundred and Eighty-Eight Naira. Forty-Nine Kobo) only.**

**COURT:** Appearances.

OLUCHI OBETA for the Claimant.

Defendant is not in Court and unrepresented.

**CLAIMANT COUNSEL:** Matter is adjourned for Report of Settlement, and settlement has failed. We have an application brought under **Article 3(2)** of the Small Claims Court Practice Direction 2022, we have filed Form SCA3 supported by seven paragraphs affidavit **Form SCA**

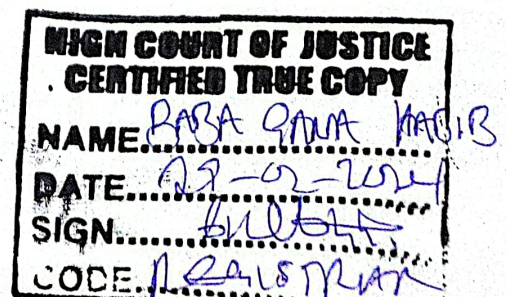




**3B** deposed to by the representative of the Claimant. We adopt all the paragraphs as our evidence, being that Undefended Claims proceedings is adopted for speedy trial and recovery of liquidated money demand, especially where it is clear to the Court that the Defendant has no Defence on the merit for the claim of the Claimant. In view of this, we urge Your Worship to enter judgment in line with Article 9 paragraph 2 of the District Court Act Practice Directions 2022. This is our application.

### **RULING**

Having listened to the application by the Claimant Counsel, this matter was initiated under **Article 3** of the District Court Acts Practice Directions on Small Claims Court 2022, where the Claimant issued **Form SCA3** for Undefended Claims, same was served on the 19<sup>th</sup> day of October, 2023 on the Defendant, and matter came upon 31<sup>st</sup> day of October, 2023 and 9<sup>th</sup> day of November, 2023, and on the last day, the Claimant Counsel informed this Court settlement was still ongoing and this Court adjourned the till today for Report of Settlement/Hearing. Here we are today, the Defendant is not in Court. It is worthy to note that on the last two adjournments, the Defendant was in court but since then going **Article 7(2)** of the District Court Acts Practice Directions on Small Claims Court, the Defendant ought to have file **Form SCA 3B** in response to the **Form SCA 3A** served by the Claimant to the said claims.



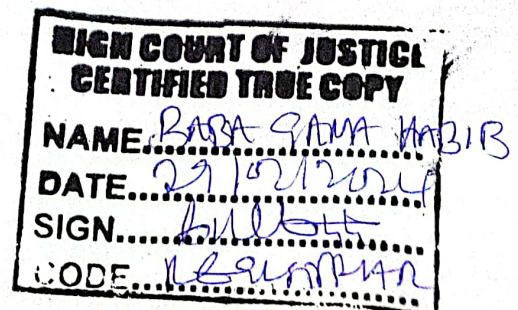


The position of the law is that, where averments contained in an affidavit are not challenged or denied by way of Counter Affidavit or Reply Affidavit as the case may be, such averments are deemed admitted by the such adverse Party. In this presence circumstances of his Case of liquidated money demand 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. Hence. The Court is left with no other option than to take this Suit as Undefended.

In all above, this Court having been satisfied that the Claimant has demanded for the sum of **₦760, 288.49k (Seven Hundred and Sixty Thousand, Two Hundred and Eighty-Eight Naira. Forty-Nine Kobo) only**, from the Defendant as contained in their Demand Notice dated 28<sup>th</sup> day of September, 2023, and also in the affidavit in support of application for Undefended Claims in paragraph six of Form SCA 3A and the Defendant having been duly served and acknowledged same but failed and neglected to respond to same.

In all, I find merit in the averments of the Claimant. Consequently, the claim for the sum of **₦760, 288.49k (Seven Hundred and Sixty Thousand, Two Hundred and Eighty-Eight Naira. Forty-Nine Kobo) only** succeeds.

Judgment is hereby entered in favour of the Claimant against the Defendant, and the Defendant is hereby ordered to immediately pay to the Claimant the sum of **₦760, 288.49k (Seven Hundred and Sixty**



**Thousand, Two Hundred and Eighty-Eight Naira. Forty-Nine Kobo) only** being the debt owed.

**SIGNED:**

**ARIWOOLA, OLUWAKEMI V.**

**DISTRICT JUDGE**

**DATE: 17/11/2023.**

