

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY  
HOLDEN AT WUSE ZONE II, FCT ABUJA (COURT 14)  
BEFORE HIS WORSHIP: OLUMIDE BAMISILE  
DATED THIS 10<sup>TH</sup> DAY OF NOVEMBER, 2023

SUIT NO: SC/31/2023

BETWEEN

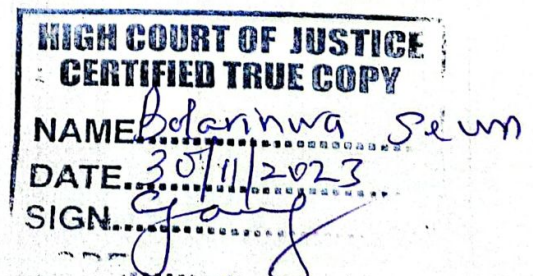
MBEKAP PEACE -- CLAIMANT  
AND  
PRIXAIR GROUP LTD -- DEFENDANT

Parties: Absent

Appearances: S.O Onuche Esq for the Claimant.  
Defendant not represented.

JUDGMENT

This suit was commenced under the Small Claims Practice Direction 2022; wherein the claimant took out forms SCA 3A and SCA 3B for undefended claims for the sum of ₦902,000.00 (Nine Hundred and Two Thousand Naira) against the defendant. By the provision of Article 7 of the same practice direction, a defendant upon being served with forms SCA 3A and SCA 3B must within 7 days of receipt of same file in response forms SCA 5 and SCA 5A as provided for under Article 7(2). This procedure is similar to that of default summons under the FCT District Courts Civil Procedure Rules, 2021. The defendant under this small claim procedure is expected to in form SCA 5A which is a counter affidavit state reasons why judgment should not be entered against him/her. The defendant in this case was served with the originating processes on the 2/11/2023 as reflected in the endorsement copy before the Court, by calculation to today, this is clearly more than 7days ago but in this present circumstance, the defendant neglected to file any process in opposition. This present procedure is one which is usually determined by affidavit evidence and the defendant having failed to file any response to the claimants particulars before this Court, means that



the affidavit evidence of the claimant has not been challenged by the defendant.

The position of the law is that where averments in an affidavit are unchallenged by way of a counter affidavit, such averments are deemed admitted by the party against whom they are averred and the court is at liberty to hold such averments as the true state of facts. See UGWUANYI v. NICON INSURANCE PLC (2013) LPELR-20092(SC)

In this present suit, this court has considered the unchallenged affidavit of the claimant before it and particularly the letter of demand for the sum claimed annexed to same. This Court is as such satisfied that the defendant has no defence to the sum claimed.

This Court is also mindful that the claimant through his counsel orally informed the court that the defendant has paid the sum of ₦832,000 out of the sum of ₦902,000.00 claimed therefore leaving a balance of ₦70,000.00 unpaid.

In view of the above, I therefore find affirmation in the fact that the defendant is currently indebted to the claimant in the sum of ₦70,000 consequently, the defendant is hereby order to immediately pay to the claimant the sum of ₦70,000 (Seventy Thousand Naira Only) being the balance of debt owed.

Olumide Bamisile, Esq  
District Judge  
F.C.T. Judiciary Abuja  
Sign/.....Date 10/11/2023

Signed  
Olumide Bamisile  
Presiding District Judge  
10/11/2023

HIGH COURT OF JUSTICE  
CERTIFIED TRUE COPY  
NAME: Bofarima Sew  
DATE: 30/11/2023  
SIGN: [Signature]  
CODE: [Signature]