

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 20th day of November, 2023

SUIT NO: SC/14/2023

BETWEEN

STERLING BANK PLC

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CLAIMANT

VS

ONYILO ULOKO SAMUEL

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DEFENDANT

Parties: Absent

Appearances: Oluchi Obeta Esq for the Claimant
Defendant not represented

JUDGMENT

The Small Claims procedure is one designed for speedy recovery of liquidated money demand, the claimant in this suit took out forms SCA 3A & SCA 3B to claim the sum of ₦1, 375, 000 against the defendant who was expected to file his defence within the period of 7days as stipulated under this procedure. However in this present suit, the defendant who was served the processes of the Court on the 8/11/2023 as contained in the endorsement copy, neglected and failed to file any process in opposition to the sum claimed by the claimant. The defendant was expected to file a response within 7days in form SCA 5 and SCA 5A disclosing a defence on the merit or state reason why judgment should not be entered against him.

This present procedure is one which is basically determined by affidavit evidence and 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, such averments are deemed admitted by the party against whom they are averred and the court is at liberty to rely on same as the true state of facts. See UGWUANYI V. NICON INSURANCE PLC (2013) LPELR-20092(SC).



This court has painstakingly perused the affidavit evidence of the claimant before the court and particularly the letter of demand annexed to same. This court is satisfied that the claimant has been able to establish that its entitled to the sum claimed and that the defendant has no defence to the sum claimed.

It is trite that where a party to a suit has been accorded a reasonable opportunity of being heard in the manner prescribed under the law, and for no satisfactory explanation he fails or neglects to avail himself of that opportunity, the party cannot thereafter be heard to complain of lack of fair hearing. See: OKOCHA V. HERWA LIMITED (2000) 15 NWLR (PT.690) 249 AT 257

In the absence of any counter process, this Court hereby finds truth in the facts averred by the claimant against the defendant. Consequently, the defendant is hereby order to pay to the claimant the sum of ₦1, 375, 000 (One Million, Three Hundred and Seventy-Five Thousand Naira Only) being the sum owed in debt.

Olumide Bamisile, Esq
District Judge
F. Judiciary Abuja
Sign.....Date 20/11/2023

[Handwritten signature]

Signed.

Olumide Bamisile
Presiding District Judge
20/11/2023.

HIGH COURT OF JUSTICE
CERTIFIED TRUE COPY
NAME *B. E. Aninwa* *Seems*
DATE 20/11/2023
SIGN *[Signature]*
CODE