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 16TH DAY OF NOVEMBER, 2023
SUIT NO: SC/21/2023

BETWEEN
STERLING BANK PLC. -- CLAIMANT

VS

PATIENCE OMOLOJA -- DEFENDANT

Parties: Absent
Appearances: Oluchi Obeta Esq for the claimant
Defendant not represented

JUDGMENT

Having listened to the claimants counsel and perused the processes before the court, this claim is one which was commenced under Article 3 of the Small Claims Practice Direction via forms SCA 3A and SCA 3B for the sum of ₦1, 075, 039 against the defendant. By the provisions of Article 7 paragraph 2 of the practice Direction, the defendant is expected to within 7 days file his response in Form SCA 5A to state his defence and reason why judgment should not be entered against him . The defendant in this suit was served with the processes in this suit on the 24/10/2023 but however, the defendant failed and neglected to file any response to same as required under the Small Claims Practice Direction, 2022.

Without any doubt, this procedure is one which is basically determined by affidavit evidence. The position of the law is that where averments contained in an affidavit is not challenged or denied by a counter-affidavit or reply affidavit as the case may be, such averments are deemed admitted by the party against whom they are averred. It is also the position of the law that the court must ensure that averments contained in an affidavit are cogent, credible and reliable before relying

on same. See INEGBEDION v. SELO-OJEMEN & ANOR (2013) LPELR-19769(SC)

Without digressing, this is a claim for liquidated money demand, this court has perused the averments of the claimant as contained in its' affidavit and the exhibits annexed indicating that the sum claimed is liquidated and same has been duly demanded from the defendant. In the absence of any counter process filed by the defendant; this court holds that the defendant has no defence to the sum claimed.

Furthermore, a careful perusal of the claimant's unchallenged affidavit evidence reveals that the total sum of money demanded from the defendant to be ₦695,644.67 and not ₦1, 075,039. The duty of every court of law is to render to everyone according to his proven claim, and nothing more. It cannot give to a party a relief he has proved. See AKAPO V. HAKEEM-HABEEB (1992) 6 NWLR (Pt.217) 266.

In view of the above, judgment is hereby entered against the defendant only in the sum of ₦695, 644.67 which is the sum demanded and the debt owed. Consequently, the defendant is hereby order to immediately pay to the Claimant the sum of ₦695, 644.67 being debt owed.

Olumide Bamisile, Esq
District Judge
F.C.T. Judiciary Abuja
Sign ... Date 16/11/2023

Signed
OLUMIDE BAMISILE
PRESIDING DISTRICT JUDGE
16/11/2023

HIGH COURT OF JUSTICE
CERTIFIED TRUE COPY
NAME...
DATE... 16-11-2023
SIGN...
CODE...