

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 16<sup>TH</sup> DAY OF NOVEMBER, 2023

SUIT NO: SC/18/2023

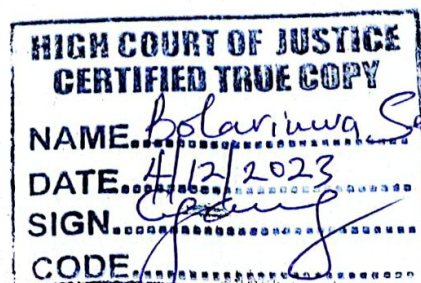
BETWEEN  
STERLING BANK PLC -- CLAIMANT  
VS  
SHINDARA ADEDOKUN -- DEFENDANT

Parties: Defendant in court  
Claimant absent  
Appearances: Oluchi Obeta Esq for the claimant  
S.E. Avere Esq for the defendant

JUDGMENT

This suit of the Claimant is one brought under the Small Claims Practice Direction, 2022 seeking against the defendant the sum of ₦1, 192, 633.76 (One Million, One Hundred and Ninety-Two Thousand Six Hundred and Thirty-Three Naira Seventy-Six Kobo Only). The Claimant served Forms SCA 3A and SCA 3B on the defendant, the defendant by the provisions of Article 7 paragraph 2 of the same Practice Direction is expected to file a counter-affidavit in defence as contained in Form SCA 5A. A perusal of the originating process before the court does indicate that the defendant was served with same on the 19/10/2023 in which he was expected to file a response within 7 days but however the defendant neglected to file any process in counter as such leaving the affidavit of the claimant unchallenged.

The procedure of this suit is of the same kind with the Default summons procedure under the FCT District Court Civil Procedure Rules, 2021 wherein a defendant served with processes for the recovery of liquidated money demand is expected to file an affidavit disclosing a





legal defence or defence on the merit stating reasons why judgment should not be entered against him.

Be that as it may, the position of the law is that where averments contained in an affidavit remains unchallenged and un-denied by way of a counter-affidavit or reply affidavit by the party against whom the averments are made. Such averments are deemed admitted and the court is at liberty to rely on same as the true state of fact. The law is settled that an affidavit must be credible, cogent and reliable for same to be relied upon by the court. See AKPABUYO L. G V EDIM (2003) 1 NWLR (PT.800) PG 40 PARAS. F - H.

This indeed is a claim for liquidated sum of money, the claimant has stated the facts of same in her affidavit and further annexed documents to exhibit and prove the indebtedness of the defendant to it. This court has carefully scrutinized the claimant's unchallenged affidavit evidence, and as such satisfied and convinced that the sum claimed is liquidated and has been demanded and that the defendant does not have any defence to same.

Consequently, the defendant is hereby order to immediately pay to the claimant the sum of N1, 192, 633.76 being the debt owed.

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

Signed.

OLUMIDE BAMISILE  
PRESIDING DISTRICT JUDGE

16/11/2023.

